

**In the Matter of:**

FTC v. Zaappaaz, LLC, et al.

*August 12, 2021*  
*Azim Makanojiya*

**Condensed Transcript with Word Index**



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<p>1 UNITED STATES DISTRICT COURT</p> <p>2 SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4</p> <p>5 FEDERAL TRADE COMMISSION, )</p> <p>6 Plaintiff, )</p> <p>7 v. ) Civil Matter No.</p> <p>8 ZAAPPAAZ LLC, also d/b/a ) 4:20-cv-2717</p> <p>9 Wrist-Band.com, )</p> <p>10 WBpromotion.com, )</p> <p>11 CustomLanyard.net, and WB )</p> <p>12 Promotions; and )</p> <p>13 AZIM MAKANOJIYA, )</p> <p>14 individually and as an )</p> <p>15 officer of ZAAPPAAZ LLC, )</p> <p>16 Defendants. )</p> <p>17 -----)</p> <p>18</p> <p>19</p> <p>20 REMOTE DEPOSITION of AZIM MAKANOJIYA</p> <p>21 taken by Plaintiff, commencing at 10:37 A.M.</p> <p>22 Eastern, on August 12, 2021, before Gary</p> <p>23 Schneider, RPR, CRR, RMR, TLCR and Notary Public</p> <p>24 within and for the State of Tennessee.</p> <p>25</p>	<p>1 I N D E X</p> <p>2 WITNESS: AZIM MAKANOJIYA</p> <p>3 INDEX OF EXAMINATIONS</p> <p>4 Page/Line</p> <p>5 By Ms. Schaefer 234 5</p> <p>6 By Mr. Blanchard 481 8</p> <p>7 INDEX OF FURTHER EXAMINATIONS</p> <p>8 By Ms. Schaefer 492 22</p> <p>9 INDEX OF EXHIBITS</p> <p>10 Page/Line</p> <p>11 Exhibit 23 F01-ZWB-00158729 244 9</p> <p>12 Exhibit 24 F01-ZWB-00160409_Fwd 263 1</p> <p>13 Complaints about this</p> <p>14 order LQ220595753</p> <p>15 Exhibit 25 F01-ZWB-00001414 275 11</p> <p>16 Exhibit 26 F01-ZWB-00001539_52 fw_ 280 4</p> <p>17 new fedex</p> <p>18 accounts_FedEx-EXpress_00</p> <p>19 000161</p> <p>20 Exhibit 27 F01-ZWB-00001540_ 282 4</p> <p>21 Exhibit 28 F01-ZWB-00001423_native 282 13</p> <p>22 Exhibit 29 F01-ZWB-00094840_native 290 5</p> <p>23 Exhibit 30 Omnisend Spreadsheet 301 7</p> <p>24 Exhibit 31 Ad Report 309 7</p> <p>25</p>
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<p>1 REMOTE APPEARANCES:</p> <p>2</p> <p>3 For the FTC:</p> <p>4 MICHELLE SCHAEFER, ESQ.</p> <p>5 ANNE COLLESANO, ESQ.</p> <p>6 Federal Trade Commission</p> <p>7 600 Pennsylvania Avenue, N.W.</p> <p>8 Washington, DC 20580</p> <p>9 202.326.3515</p> <p>10 202.326.2485</p> <p>11 mschaefer@ftc.gov</p> <p>12 acollesano@ftc.gov</p> <p>13</p> <p>14 For the Witness:</p> <p>15 MICHAEL BLANCHARD, ESQ.</p> <p>16 Butch Boyd Law Firm</p> <p>17 2905 Sackett Street</p> <p>18 Houston, TX 77098</p> <p>19 713.238.7724</p> <p>20 mikeblanchard@butchboydlawfirm.com</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX OF EXHIBITS (Continued)</p> <p>2 Page/Line</p> <p>3 Exhibit 32 Microsoft Campaign 329 17</p> <p>4 Exhibit 35 F01-ZWB-00160061_native 344 23</p> <p>5 Exhibit 36 F01-ZWB-00168421_native_ 348 3</p> <p>6 You've received a full</p> <p>7 review that may need</p> <p>8 attention (Order ID</p> <p>9 220547718)</p> <p>10 Exhibit 37 F01-ZWB-00168774_native_ 351 1</p> <p>11 Not happy customer from</p> <p>12 Wrist-Band.Com.htm</p> <p>13 Exhibit 38 F01-ZWB-00000036_ZAAPPAAZ 352 3</p> <p>14 _0000033_Return Policy</p> <p>15 Exhibit 39 F01-ZWB-00000037_ZAAPPAAZ 354 3</p> <p>16 _36_Zaappaaz Return</p> <p>17 Procedure</p> <p>18 Exhibit 40 F01-ZWB-00000061_ZAAPPAAZ 355 23</p> <p>19 _0000078</p> <p>20 Exhibit 41 Chart 358 12</p> <p>21 Exhibit 42 F01-ZWB-00162889_native_ 408 5</p> <p>22 ACCOUNT DOCUMENTS</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">232</p> <p>1 INDEX OF EXHIBITS (Continued)</p> <p>2 Page/Line</p> <p>3 Exhibit 43 Business Application for 425 5</p> <p>4 Texas First Bank Account</p> <p>5 3965</p> <p>6 Exhibit 44 F01-ZWB-00162910_STATEMEN 428 17</p> <p>7 TS_TexasFirstBank_0000022</p> <p>8 Exhibit 45 American Express 445 18</p> <p>9 Production</p> <p>10 Exhibit 46 F01-ZWB-00162977_STM VISA 454 16</p> <p>11 Statements - MBR 24953546</p> <p>12 - Member Name AZIM</p> <p>13 MAKANOJIYA - Statement</p> <p>14 Date 3-13-2020</p> <p>15 Exhibit 47 F01-ZWB-00162438_Re 456 16</p> <p>16 Zappaaz LLC-Wrist-Band</p> <p>17 Chargeback Reduction</p> <p>18 Template</p> <p>19 Exhibit 48 F01-ZWB-00162479_RE List 457 17</p> <p>20 of All Chargebacks in</p> <p>21 2020</p> <p>22 Exhibit 49 F01-ZWB-00162480_wrist 459 23</p> <p>23 band CB report</p> <p>24</p> <p>25</p>	<p style="text-align: right;">234</p> <p>1 AZIM MAKANOJIYA,</p> <p>2 was called as a witness and, after having been</p> <p>3 first duly sworn, testified as follows:</p> <p>4 E X A M I N A T I O N</p> <p>5 BY MS. SCHAEFER:</p> <p>6 <b>Q. Good morning, Mr. Makanojiya.</b></p> <p>7 A. Good morning.</p> <p>8 <b>Q. So I just want to state for the</b></p> <p>9 <b>record, it is August 12th, 2021, and it is day two</b></p> <p>10 <b>of Zaappaaz, LLC's and Azim Makanojiya's</b></p> <p>11 <b>deposition in FTC v. Zaappaaz, LLC, et al.</b></p> <p>12 <b>So yesterday you walked me</b></p> <p>13 <b>through an example of the fulfillment process for</b></p> <p>14 <b>your promotional products, and now I want you to</b></p> <p>15 <b>walk me through the fulfillment process for</b></p> <p>16 <b>covered products starting at the end of March when</b></p> <p>17 <b>you started selling them going on forward.</b></p> <p>18 <b>So let's say -- I'll set this</b></p> <p>19 <b>up. I go on to your website, it's, you know,</b></p> <p>20 <b>middle of April 2020, and I order 30 masks. Tell</b></p> <p>21 <b>me what happens in the process next in terms of</b></p> <p>22 <b>the next steps involved in actually fulfilling the</b></p> <p>23 <b>order.</b></p> <p>24 A. Yeah, I think in the middle of</p> <p>25 April, that's when we weren't able to ship</p>
<p style="text-align: right;">233</p> <p>1 INDEX OF EXHIBITS (Continued)</p> <p>2 Page/Line</p> <p>3 Exhibit 50 F01-ZWB-00162328_Re 462 19</p> <p>4 Braintree Risk Review</p> <p>5 (Action Needed) - WB</p> <p>6 Promotion</p> <p>7 Exhibit 51 F01-ZWB-00162635_4-WBProm 466 12</p> <p>8 otionPerformanceNotification</p> <p>9 _Amazon0000004</p> <p>10 Exhibit 52 F01-ZWB-00162649_AMAZON_ 468 9</p> <p>11 0000018</p> <p>12 Exhibit 53 F01-ZWB-00158939_Fwd Chat 473 12</p> <p>13 transcript on</p> <p>14 wrist-band.com started on</p> <p>15 Wednesday April 22 2020</p> <p>16 at 1466 (GMT+0)</p> <p>17 Exhibit 54 F01-ZWB-00001518_native 476 23</p> <p>18 Exhibit 55 F01-ZWB-00001500 477 20</p> <p>19</p> <p>20 REPORTER'S NOTES:</p> <p>21 QUOTATION MARKS ARE USED FOR CLARITY AND DO NOT</p> <p>22 NECESSARILY REFLECT A DIRECT QUOTE</p> <p>23</p> <p>24 PROPER NAMES ARE PHONETICALLY SPELLED UNLESS</p> <p>25 STATED ON THE RECORD</p>	<p style="text-align: right;">235</p> <p>1 directly from China, so the order would come --</p> <p>2 <b>Q. So let's start -- why don't</b></p> <p>3 <b>we -- so let's do this and let's do -- why don't</b></p> <p>4 <b>you walk me through an example when you were</b></p> <p>5 <b>shipping through China and then walk me through an</b></p> <p>6 <b>example when you were shipping from your</b></p> <p>7 <b>warehouse?</b></p> <p>8 A. Okay. So if it was from China,</p> <p>9 which was end of Marchish, order would come</p> <p>10 through, it would go into the Chinese API system</p> <p>11 or would flow into there and they would ship it</p> <p>12 out and they would send us the tracking back. So</p> <p>13 the process is pretty much the same.</p> <p>14 <b>Q. Okay. So it was the same</b></p> <p>15 <b>process as you described yesterday --</b></p> <p>16 A. Very similar.</p> <p>17 <b>Q. -- when we went over the</b></p> <p>18 <b>wrist-bands?</b></p> <p>19 A. Very similar, correct.</p> <p>20 <b>Q. Okay. And when someone first</b></p> <p>21 <b>orders a product, that information first goes into</b></p> <p>22 <b>your system, correct?</b></p> <p>23 A. Correct.</p> <p>24 <b>Q. Is that correct?</b></p> <p>25 A. That's correct.</p>

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1 Q. And then -- and then that  
2 information from the order, which includes the  
3 order date, the delivery date, the shipping days,  
4 what is being ordered, the amount, that gets  
5 transferred over to your Chinese counterpart or  
6 trading agent; is that right?

7 A. Correct.

8 Q. They then take the information,  
9 they fulfill the order; is that right?

10 A. That's correct.

11 Q. Then do they print the FedEx  
12 label or the carrier label and ship it?

13 A. That's correct.

14 Q. And once they ship it -- well,  
15 I'm sorry.

16 At what point does information  
17 get sent back to your system?

18 A. Once they ship it.

19 Q. And once they ship it, what  
20 exact information comes back to your system?

21 A. The tracking number.

22 Q. And the tracking number provides  
23 what information that will then go into your  
24 system?

25 A. Just the tracking number goes

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1 into our system.

2 Q. And when the tracking order goes  
3 into your system, does that allow you to see the  
4 order -- well, you already have the order date,  
5 the shipping days, the delivery date, because the  
6 order originated with you.

7 So once you get the tracking  
8 information, what does that information provide?  
9 What are you able to discern from the tracking  
10 information that --

11 A. The system cannot -- it -- it  
12 cannot decipher anything. The system just  
13 takes --

14 Q. It can not be what?

15 A. The system does not decipher the  
16 tracking number. It -- it just gets the tracking  
17 number. That's it.

18 Now, if I want to --

19 Q. Okay. And so --

20 A. -- investigate further, I --  
21 it -- I can't.

22 But there is -- the system does  
23 not do anything.

24 Q. Okay. So it's just put --  
25 dumping in the tracking number in there?

238

1 A. That's it.

2 Q. Okay. So the system, you enter  
3 an order, the system contains what was ordered,  
4 the delivery date, the order date, the order  
5 number, I assume, the shipping days.

6 When the information comes back,  
7 the only additional information you get is the  
8 tracking information?

9 A. I believe so, that's correct.

10 Q. And does your system -- well,  
11 you testified yesterday that your system doesn't  
12 contain information about inventory?

13 A. That is correct.

14 Q. And that information is  
15 maintained by your trading partners; is that  
16 correct?

17 MR. BLANCHARD: Objection.

18 Form. Calls for speculation.

19 MS. SCHAEFER: Let me rephrase.

20 BY MS. SCHAEFER:

21 Q. Is that information maintained  
22 by your trading partners --

23 MR. BLANCHARD: Objection.

24 Calls for speculation.

25

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1 BY MS. SCHAEFER:

2 Q. -- the inventory?

3 A. I don't know.

4 Q. So you don't -- your system  
5 doesn't tell you anything about inventory; is that  
6 right?

7 A. No.

8 Q. And you are unaware of the  
9 inventory at any --

10 MR. BLANCHARD: Objection.

11 BY MS. SCHAEFER:

12 Q. -- given point in time?

13 MR. BLANCHARD: Objection.

14 Misstates prior testimony. Lacks  
15 foundation.

16 THE WITNESS: I don't know.

17 BY MS. SCHAEFER:

18 Q. You don't know?

19 A. I don't know how his business  
20 operates, honestly. How he keeps track of  
21 inventory, if he does keep track, I do not know.  
22 I mean, he's a reliable source of --

23 Q. But let me ask --

24 A. Yeah.

25 Q. But you don't keep -- Zaappaaz

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1 doesn't keep track of the inventory?

2 A. Zaappaaz does not. Well,  
3 Zaappaaz does not until -- there was a certain  
4 time where on Shipping Easy, we were keeping track  
5 of inventory.

6 Q. Okay. And so at what point did  
7 that happen?

8 A. Maybe December of 2020 when we  
9 were able to build that system, I guess. Maybe  
10 December of 2020.

11 Q. Well, then you -- okay. So I  
12 don't understand, because you testified yesterday  
13 and just now that you don't maintain inventory  
14 information, but now you're saying that as of --  
15 oh, December -- the -- you said December 2020.  
16 Okay. I apologize. December 2020.

17 Okay. So that's a system  
18 with -- when you're shipping directly from China.  
19 And, actually, let me go back to 2020 and Shipping  
20 Easy. How does Shipping Easy allow you to, you  
21 know, monitor inventory?

22 A. You input your SKUs, you input  
23 your quantities, and based on whatever order  
24 Shipping Easy receives, it simply deducts the  
25 quantities.

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1 Q. So it tells you about inventory  
2 information after the order is placed?

3 A. Correct.

4 Q. Okay. All right.

5 So now walk me through the  
6 scenario when you started shipping from China to  
7 your warehouse and other addresses and then  
8 directly to consumers. How did the fulfillment  
9 process change?

10 A. The order would go into  
11 Shipping --

12 Q. In terms of your -- go ahead.  
13 Sorry.

14 A. The order would go into Shipping  
15 Easy, from our system to Shipping Easy. Our  
16 warehouse team would print the labels. On the  
17 labels it would say what needs to be shipped and  
18 we would slap the labels on, package it, and put  
19 it inside a FedEx trailer.

20 Q. Okay. And then that FedEx  
21 information gets put into your system?

22 A. That's correct, yes.

23 Q. And how do you reconcile that  
24 shipment information with the shipment information  
25 coming from China?

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1 A. The tracking number.

2 Q. And so I'm talking about, you  
3 know, the period when -- like March when you  
4 started selling PPE onwards. And let's...

5 So when you started selling PPE,  
6 let's say from July -- from March through  
7 August 2020, when consumers would call complaining  
8 about the delays in their orders or shipping  
9 delays, how do you -- how do your CRSs [sic]  
10 obtain information about that consumer's order in  
11 order to be able to help them?

12 A. Say that again.

13 Q. Okay. So I'll set it up as an  
14 example. So a consumer calls, let's say, in  
15 mid-April because they thought they were going to  
16 get their order on one -- on a day that it turns  
17 out it hasn't shipped, and so they call your  
18 customer service line.

19 How do customer service  
20 representatives access order information to be  
21 able to help these consumers?

22 A. The order number.

23 Q. And do they use this database  
24 we've been talking about?

25 A. That's correct.

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1 Q. And when they pull up this order  
2 by order number, tell me what they're able to see  
3 about the order.

4 A. The customer name, customer  
5 billing, the charge, the product detail, any notes  
6 on the order, the tracking, the IP address.

7 Q. And so -- I'm sorry. I'm sorry  
8 I interrupted.

9 What was the last thing you  
10 said?

11 A. The IP address.

12 Q. And if a label hasn't been  
13 created, they can see that; isn't that -- is that  
14 right?

15 A. That is correct.

16 Q. And if a label has been created  
17 but shows no movement, they can see that as well?

18 A. Not on the database itself.  
19 They would have to go FedEx.com and put in the  
20 tracking number.

21 Q. Okay. So -- and is that because  
22 your system can't, you know, read this information  
23 in any --

24 A. Correct.

25 Q. -- functional way?

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1 A. Yeah, correct.  
 2 **Q. Okay. Okay.**  
 3 MS. SCHAEFER: Is our next  
 4 exhibit going to be -- does anyone know  
 5 the last exhibit number?  
 6 MR. BLANCHARD: According to  
 7 Agile, it's -- the next one will be 23.  
 8 MS. SCHAEFER: Okay. Thanks.  
 9 (Marked Exhibit 23.)  
 10 BY MS. SCHAEFER:  
 11 **Q. Okay. Can you see what I've**  
 12 **marked as Exhibit 23?**  
 13 A. I do.  
 14 **Q. Okay. You can -- you can go**  
 15 **ahead and read this email and then tell me when**  
 16 **you're done.**  
 17 A. Okay.  
 18 **Q. Okay. Well, first of all, let's**  
 19 **go to page 3, which is the email receipt.**  
 20 A. Mm-hmm.  
 21 **Q. Are you there?**  
 22 A. I am.  
 23 **Q. Okay. And so yesterday we had a**  
 24 **conversation about ordering on the website, and**  
 25 **when I asked if, you know, consumers could pick**

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1 **shipping time on the website, you said no.**  
 2 **And so this shows, however, that**  
 3 **the shipping time is printed on the receipt; is**  
 4 **that right?**  
 5 A. I did not say they cannot choose  
 6 shipping time. I said they choose a shipping  
 7 date.  
 8 MR. BLANCHARD: Well --  
 9 THE WITNESS: Yeah, so what I  
 10 mean by that --  
 11 BY MS. SCHAEFER:  
 12 **Q. Okay. So -- well -- yeah.**  
 13 A. Yeah, visually when you go on my  
 14 site, it -- if today is the 12th, if you choose  
 15 the 13th, it'll say do you want your goods  
 16 delivered on the 13th, which would equate to a  
 17 one-day. Does that make sense?  
 18 **Q. Okay. And then the shipping**  
 19 **time here is one day.**  
 20 **So tell me what the -- what that**  
 21 **shipping time means --**  
 22 A. That shipping time means --  
 23 **Q. -- exactly?**  
 24 A. -- depending on when the  
 25 cutoff -- depending on when the cutoff is, I think

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1 our cutoff on our website is 4:00 o'clock, I  
 2 believe, 4:00 P.M., anything within that date  
 3 would ship out the following day.  
 4 **Q. Okay. And so what if it said**  
 5 **three days?**  
 6 A. It would be three days or  
 7 four days if it's after the cutoff date.  
 8 **Q. And is that -- is that it's**  
 9 **going to take four days in transit to get there?**  
 10 **I'm just trying to understand exactly --**  
 11 A. Yeah.  
 12 **Q. -- what that --**  
 13 A. Yeah.  
 14 **Q. -- shipping time means.**  
 15 A. Yeah, it means -- but it's only  
 16 business days. Just keep that in mind. So if  
 17 you're placing an order Friday --  
 18 **Q. Okay.**  
 19 A. -- your delivery date will show  
 20 Monday even though it's one day.  
 21 **Q. Okay. So it cuts off at 4:00**  
 22 **and it's based on business days?**  
 23 A. Yeah.  
 24 Mike, if you could go up a  
 25 little?

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1 Order date is March 30th. March  
 2 has a 31st --  
 3 **Q. Yeah.**  
 4 A. -- in it?  
 5 **Q. Yeah.**  
 6 A. Just checking if March has a  
 7 31st in it. I don't think so. Or maybe it does.  
 8 I'm just trying to give you an explanation, how  
 9 this...  
 10 **Q. It does have 31 days, I believe.**  
 11 A. Okay. So they -- this order was  
 12 placed on March 30th. Order delivery date based  
 13 on the one day is April 1st. So maybe it was  
 14 after the cutoff, that's why it's skipping the  
 15 31st and delivering on the 1st.  
 16 **Q. Okay. Okay.**  
 17 **Let's go to the first page here.**  
 18 **Oh, so here, you know, it's April 8th. A**  
 19 **consumer's complaining, and he says, you know,**  
 20 **he's called about six times but he keeps getting a**  
 21 **voicemail that's full. And we've seen a lot of**  
 22 **complaints where people are complaining that they**  
 23 **can't get in touch with anyone.**  
 24 **Why was it so hard to get in**  
 25 **touch with a representative?**



<p style="text-align: right;">248</p> <p>1 A. This is the peak of -- of -- I</p> <p>2 don't know what word to use here. This is the</p> <p>3 peak of chaos at least around the world, I would</p> <p>4 say. Our India office was shutting down. We were</p> <p>5 transitioning from an office to an in-home just</p> <p>6 like I mentioned yesterday. Phone lines were</p> <p>7 jamming up because of the number of calls we were</p> <p>8 getting, or we didn't have people to answer calls,</p> <p>9 chats. Systems were going down. We use tawk.to,</p> <p>10 which is a third-party chat system, which was</p> <p>11 having issues because of volume of customers that</p> <p>12 they were getting, so that was causing a shutdown</p> <p>13 there.</p> <p>14 But that's -- I would say that</p> <p>15 is probably the reason.</p> <p>16 <b>Q. Okay. I actually -- that brings</b></p> <p>17 <b>up a good point.</b></p> <p>18 <b>So here someone is -- how was</b></p> <p>19 <b>someone able to submit this complaint? Is this</b></p> <p>20 <b>being submitted through your website?</b></p> <p>21 A. No. This is an email.</p> <p>22 <b>Q. Okay. And you mentioned</b></p> <p>23 <b>tawk.to.</b></p> <p>24 <b>I -- what is -- what exactly</b></p> <p>25 <b>does -- services does it provide?</b></p>	<p style="text-align: right;">250</p> <p>1 <b>was no movement?</b></p> <p>2 A. Which -- which second --</p> <p>3 MR. BLANCHARD: Objection.</p> <p>4 Lacks foundation.</p> <p>5 THE WITNESS: Which tracking --</p> <p>6 which second paragraph are you</p> <p>7 referring to? I don't --</p> <p>8 BY MS. SCHAEFER:</p> <p>9 <b>Q. Okay. So -- I'm sorry. The</b></p> <p>10 <b>third para- -- I'm -- the third paragraph.</b></p> <p>11 A. Okay. Yeah. Okay. That's</p> <p>12 what -- okay.</p> <p>13 I don't think -- I don't think</p> <p>14 my sales -- I just want to clarify your statement.</p> <p>15 I don't think my sales team said anything in</p> <p>16 regards to that the order's been shipped, but my</p> <p>17 system did send an email. Like I mentioned, after</p> <p>18 a tracking gets updated, a -- an email goes to our</p> <p>19 customers. So I think that's what it states in</p> <p>20 the third paragraph, just to be clear.</p> <p>21 <b>Q. So are you saying emails</b></p> <p>22 <b>automatically gets generated?</b></p> <p>23 A. I mentioned that yesterday,</p> <p>24 yeah. Once we receive a tracking number, we</p> <p>25 forward that on to the customer.</p>
<p style="text-align: right;">249</p> <p>1 A. Just like what you mentioned</p> <p>2 yesterday, when you go on our website and you</p> <p>3 initiate a chat, yeah.</p> <p>4 <b>Q. And so this allows you --</b></p> <p>5 <b>provides the technology that allows you to</b></p> <p>6 <b>initiate the chat?</b></p> <p>7 A. Well, it allows the customer to</p> <p>8 initiate the chat, yeah.</p> <p>9 <b>Q. Okay. Okay.</b></p> <p>10 <b>Let's go to the second</b></p> <p>11 <b>paragraph. So here he's saying he received an</b></p> <p>12 <b>email saying that his order had shipped, but then</b></p> <p>13 <b>he goes and looks in the label and it shows that</b></p> <p>14 <b>it hasn't shipped. And we've seen a lot of these</b></p> <p>15 <b>complaints.</b></p> <p>16 <b>Why would they be telling a</b></p> <p>17 <b>customer that something shipped when it didn't?</b></p> <p>18 <b>Why would Zaappaaz be emailing the customer that</b></p> <p>19 <b>something shipped when it didn't?</b></p> <p>20 A. I believe it was already</p> <p>21 shipped.</p> <p>22 <b>Q. Then -- okay.</b></p> <p>23 <b>And why didn't he receive it?</b></p> <p>24 <b>Well, no, let me back up.</b></p> <p>25 <b>Why did the label say that there</b></p>	<p style="text-align: right;">251</p> <p>1 <b>Q. And did that ever -- did you</b></p> <p>2 <b>ever put a stop to that process?</b></p> <p>3 A. No.</p> <p>4 <b>Q. So they continued to get emails</b></p> <p>5 <b>saying things had been shipped even though they</b></p> <p>6 <b>hadn't necessarily been shipped?</b></p> <p>7 MR. BLANCHARD: Objection.</p> <p>8 Argumentative. Misstates prior</p> <p>9 testimony.</p> <p>10 THE WITNESS: I don't agree,</p> <p>11 but...</p> <p>12 BY MS. SCHAEFER:</p> <p>13 <b>Q. What do you -- what do -- what</b></p> <p>14 <b>don't you agree with?</b></p> <p>15 MR. BLANCHARD: Objection.</p> <p>16 Argumentative.</p> <p>17 THE WITNESS: That it hasn't</p> <p>18 been shipped.</p> <p>19 BY MS. SCHAEFER:</p> <p>20 <b>Q. But you just said -- you</b></p> <p>21 <b>testified that emails would automatically get</b></p> <p>22 <b>generated but that didn't necessarily mean items</b></p> <p>23 <b>had shipped?</b></p> <p>24 MR. BLANCHARD: Objection.</p> <p>25 Misstates prior testimony.</p>

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1 THE WITNESS: I did not say  
2 that. I said once -- so I -- I did not  
3 say that, yeah.  
4 BY MS. SCHAEFER:  
5 **Q. Okay. What did you say?**  
6 A. In regards to what?  
7 **Q. When a customer would place an**  
8 **order, would an email -- when would the customer**  
9 **receive the email?**

10 MR. BLANCHARD: Objection.  
11 Vague.

12 THE WITNESS: The customer would  
13 receive an email once they place an  
14 order. That's an order confirmation  
15 receipt, which you see in page  
16 number 3. That's the first email you  
17 would receive. Okay? Once the order  
18 is processed from our shipping  
19 department when they literally print  
20 out a shipping label, that is the  
21 second email that they would get, which  
22 is an email -- which is a tracking  
23 confirmation.

24 So I just want to clarify those  
25 two things.

253

1 BY MS. SCHAEFER:

2 **Q. And is a -- does -- what does**  
3 **the tracking confirmation show?**

4 A. A tracking number, which is what  
5 the customer is referencing here.

6 **Q. And just because they receive a**  
7 **tracking number, that doesn't necessarily mean it**  
8 **has shipped?**

9 A. That means we have placed -- if  
10 it's coming from our warehouse, that means it's  
11 placed in the hands of FedEx's trailer.

12 **Q. Okay. And if it's coming -- if**  
13 **it was coming from China?**

14 A. I don't know how their processes  
15 work.

16 **Q. Do you know how the processes**  
17 **work in terms of Zaappaaz generating emails about**  
18 **those shipments?**

19 A. Of which shipments?

20 **Q. When you were shipping directly**  
21 **from China to customers in the U.S., you would --**

22 A. From the U.S.?

23 **Q. When -- you just gave me an**  
24 **example of when you ship from your warehouse, that**  
25 **the email gets generated when you place -- the**

254

1 **email gets generated when you place the product in**  
2 **the FedEx trailer?**

3 A. Sure. Okay.

4 **Q. I guess I'm -- let me back up.**  
5 **I guess I'm just getting confused about the email**  
6 **and the generation of this -- the -- the email and**  
7 **the generation of the tracking label.**

8 So we have instances where  
9 you're sending it out of the warehouse and then  
10 you had instances when you were sending from China  
11 directly to the consumers, right?

12 A. Correct.

13 **Q. Okay. So let's start with from**  
14 **China directly to the consumers. So someone**  
15 **orders a product and the information gets put in**  
16 **your system. The information, that gets sent over**  
17 **to China to your trading partner.**

18 At that point, is an email  
19 generated to the customer?

20 A. Step back just a couple of  
21 words. At what point?

22 **Q. At what point?**

23 A. Repeat your question. I'm  
24 sorry.

25 **Q. Okay. So someone orders a**

255

1 **product. This product is going to be delivered**  
2 **from China directly to the consumer. You order**  
3 **the product, the information gets sent over to the**  
4 **broker because they have to fulfill the product.**  
5 **Your -- this -- emails automatically get generated**  
6 **when someone orders the product, and you just said**  
7 **that these -- you get confirmation of tracking**  
8 **label having been created.**

9 Those are two notices that get  
10 generated from an order; is that right?

11 A. I don't think you're  
12 understanding it, but I don't want to say  
13 you're --

14 **Q. Okay. Well, then --**

15 A. -- it's right, but --

16 **Q. -- explain --**

17 A. -- yes.

18 **Q. -- it to me.**

19 I don't think I am either. So  
20 explain it to me.

21 A. Like, tell me what you want me  
22 to explain. I -- it's not a question.

23 MR. BLANCHARD: Hold on, hold  
24 on, hold on. Everybody take a minute  
25 here. Take a beat. Just listen real



<p style="text-align: right;">256</p> <p>1 carefully to her question and answer 2 it. Okay? 3 So, Michelle, if you could 4 re-ask it, please. 5 MS. SCHAEFER: Okay. 6 BY MS. SCHAEFER: 7 <b>Q. All right. So when -- I guess</b> 8 <b>let's back up. Someone places an order on your</b> 9 <b>website. What gets generated from that order in</b> 10 <b>terms of documents that then get sent to the</b> 11 <b>consumer?</b> 12 A. Okay. 13 <b>Q. Do they automatically receive --</b> 14 <b>and I can break this -- do they automatically</b> 15 <b>receive an email?</b> 16 A. I'm going to clarify the 17 process, so I guess maybe that might answer your 18 question so we're not going back and forth and 19 you're not assuming. But when you place an order, 20 literally two or three seconds after your order 21 has been placed, you get a confirmation email, 22 which is -- on this Exhibit No. 23, it's page 23 number 3. Are we clear on that? 24 <b>Q. Okay.</b> 25 A. So that's email number one.</p>	<p style="text-align: right;">258</p> <p>1 A. Once we receive a tracking 2 number, yes. Yeah. 3 <b>Q. Okay. Okay.</b> 4 <b>All right. Let's go to -- let's</b> 5 <b>go to the fourth paragraph. So then he contacts</b> 6 <b>customer service again and he's told that -- that</b> 7 <b>it was shipping and it would arrive on April 7th,</b> 8 <b>but then again he contacted FedEx and he saw that</b> 9 <b>it hadn't moved, the package hadn't moved.</b> 10 <b>So why would the customer</b> 11 <b>service representative be telling a consumer that</b> 12 <b>something had shipped or would arrive when it</b> 13 <b>hasn't even -- that something would arrive on a</b> 14 <b>certain day when it hadn't even shipped?</b> 15 MR. BLANCHARD: Objection. 16 Lacks foundation. Calls for 17 speculation. Argumentative. 18 THE WITNESS: Yes, FedEx 19 automatically generates a delivery date 20 when a shipping is done. When a 21 shipping label is created, it 22 automatically generates a shipping 23 date. Even coming from China or coming 24 domestically, once you create the 25 label, it tells you what is the</p>
<p style="text-align: right;">257</p> <p>1 Okay? 2 Email number two. 3 MR. BLANCHARD: Hold on. 4 BY MS. SCHAEFER: 5 <b>Q. And that email gets generated</b> 6 <b>irregardless of whether the warehouse is shipping</b> 7 <b>or whether China is shipping; is that right?</b> 8 A. That is correct. 9 <b>Q. The email. Okay.</b> 10 <b>Then?</b> 11 A. Okay. Instance number two is 12 when whoever is shipping, either it's my warehouse 13 or if it's China, is shipping, we send out -- once 14 we receive back from Shipping Easy or we receive 15 API tracking back from China, once my system 16 receives it, within five to ten minutes it 17 automatically sends out an email to the customer 18 saying your order has shipped, this is your 19 tracking. 20 <b>Q. And that -- and that gets</b> 21 <b>generated automatically?</b> 22 A. What gets generated 23 automatically? 24 <b>Q. I'm sorry. The label. The</b> 25 <b>message "This order has shipped."</b></p>	<p style="text-align: right;">259</p> <p>1 estimated delivery date. So as a CSR 2 rep, he's looking at the tracking and 3 he's estimating that, hey, this is what 4 FedEx is saying and he's relaying that 5 information to the customer. 6 BY MS. SCHAEFER: 7 <b>Q. Okay.</b> 8 MR. BLANCHARD: Hey, Michelle, I 9 need a quick break. I just had too 10 much coffee this morning. 11 MS. SCHAEFER: Okay. Sure. 12 MR. BLANCHARD: Thanks. 13 MS. SCHAEFER: Okay. 14 Five minutes? 15 MR. BLANCHARD: Yep. 16 MS. SCHAEFER: Ten? 17 MR. BLANCHARD: Five is fine. 18 Thanks. 19 MS. SCHAEFER: Okay. 20 (Off the record from 11:08 until 21 11:20.) 22 BY MS. SCHAEFER: 23 <b>Q. Okay. Let's go back to</b> 24 <b>Exhibit 23 for just a moment.</b> 25 <b>So the top string shows that the</b></p>

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1 consumer actually ended up emailing Mike, who, as  
2 we established yesterday, goes to you and Khalil;  
3 is that right?

4 A. That's correct.

5 **Q. And how would they have been**  
6 **given, you know, your contact information?**

7 A. It's on the contact us page, I  
8 believe, or Khalil. I don't know. Can you -- can  
9 you scroll up one. Who was it sent to? Mike is  
10 on the website, Chandler is on the website, and I  
11 think accounting is on the website. I don't think  
12 Khalil --

13 **Q. Okay.**

14 A. -- was specifically mentioned on  
15 there --

16 **Q. Okay.**

17 A. -- on the sort of...

18 **Q. And I have a question about**  
19 **Chandler Liu and his operation.**

20 **So when you were experiencing**  
21 **all these delays and logistical nightmares, were**  
22 **you in you constant communication with Chandler**  
23 **Liu about the delays and the FedExs and the**  
24 **shipments?**

25 A. On a -- probably three, four

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1 times a week for sure, yes.

2 **Q. And what kinds of issues would**  
3 **you discuss related to --**

4 A. We would --

5 **Q. -- you know, the --**

6 A. Not necessarily issues. We  
7 would just discuss. But issues, number of orders.  
8 If there was any Chinese updates that they were --  
9 they were experiencing, firsthand account before  
10 we would get -- relay the information.

11 **Q. Did your customer service**  
12 **representative ever have contact with Chandler Liu**  
13 **about orders?**

14 A. Fatima and Eroze had contact  
15 with Chandler Liu.

16 **Q. Was it continuous contact?**

17 MR. BLANCHARD: Objection.  
18 Calls for speculation.

19 THE WITNESS: They had direct  
20 contact with them. I don't know if  
21 they continued. I -- if I had to  
22 assume -- I don't know. I don't -- but  
23 they -- they -- they did have access to  
24 them.  
25

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1 BY MS. SCHAEFER:

2 **Q. They -- I didn't hear what you**  
3 **just said.**

4 A. They did have access to him if  
5 they needed to.

6 **Q. Okay. Do you know what issues**  
7 **they would discuss --**

8 A. I do not, no.

9 **Q. -- related to delays?**

10 A. I do not, no.

11 **Q. And the Khans, did they -- where**  
12 **did they live?**

13 A. India.

14 **Q. Do they have any relation to**  
15 **Amsterdam at all?**

16 A. Amsterdam?

17 **Q. I just -- I'm -- I'm asking,**  
18 **there's a lot of expenses on some of your bills**  
19 **that note Amsterdam, and I was just curious.**

20 A. I don't recall anything with  
21 Amsterdam. I'm sorry. Maybe if you referenced  
22 it, but I don't --

23 **Q. No, the --**

24 A. Yeah.

25 **Q. Okay. Okay.**

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1 (Marked Exhibit 24.)

2 BY MS. SCHAEFER:

3 **Q. Okay. So you can read this and**  
4 **then just tell me when you're ready.**

5 A. Can you scroll down?

6 Correct.

7 **Q. Okay. Okay.**

8 **Well, let me just ask off the**  
9 **bat. So this is October 15th after we filed the**  
10 **complaint, and why -- were they still guaranteeing**  
11 **the delivery on your website?**

12 A. Sorry. Sorry, Michelle.

13 Just -- can I see page 2 on this?

14 Okay. I'm sorry. Go ahead,

15 Michelle. Sorry.

16 **Q. Okay. So this was after we**  
17 **filed the complaint.**

18 **Were you still guaranteeing**  
19 **delivery on your website?**

20 A. I think the direction was  
21 clearly given to my team to not guarantee delivery  
22 dates. I believe we updated the website.

23 **Q. And outside of the website,**  
24 **what -- how else would they be able to guarantee?**  
25 **Would it be through negotiations with customers?**

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1 MR. BLANCHARD: Objection.  
 2 Compound. Objection. Lacks  
 3 foundation. Objection. Calls for  
 4 speculation.  
 5 THE WITNESS: Yeah, I'm sorry.  
 6 I don't understand your question.  
 7 BY MS. SCHAEFER:  
 8 **Q. Okay. Well, here you're telling**  
 9 **them in the future we need to let customers know**  
 10 **that delivery is not guaranteed.**  
 11 **So clearly they were**  
 12 **guaranteeing delivery --**  
 13 A. Before this date?  
 14 **Q. -- is that right?**  
 15 A. Before this date, yes, probably.  
 16 **Q. Okay. And how were they --**  
 17 **through what mechanism were they guaranteeing**  
 18 **delivery?**  
 19 A. On our website it said  
 20 guaranteed delivery date.  
 21 **Q. Okay. Let's start -- I just --**  
 22 **I want -- I want to walk through this email. So**  
 23 **let's start with the very first string.**  
 24 **Do you know whether this order**  
 25 **relates to Zaappaaz --**

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1 A. This does relate --  
 2 **Q. -- or --**  
 3 A. -- to --  
 4 **Q. -- Ionized?**  
 5 A. -- Zaappaaz.  
 6 It -- it's --  
 7 **Q. It does. Okay.**  
 8 A. -- Zaappaaz's order.  
 9 **Q. Okay. How can you tell?**  
 10 A. The LQ and the order sequence.  
 11 **Q. Okay. And who is sending you**  
 12 **this email? Because it's -- I can't tell.**  
 13 A. From -- well, if you could --  
 14 this is coming from Starling, one of Chandler's  
 15 CSRs or someone's -- someone from Chandler's team.  
 16 **Q. Okay. Who is Ryan Liu?**  
 17 A. Someone from -- I believe that's  
 18 his nephew, but he works for him.  
 19 **Q. And what about that Steve CN?**  
 20 A. I -- I don't know him  
 21 personally, but I would say he's, again, from  
 22 Chandler's team, maybe.  
 23 **Q. Okay. And so why was the**  
 24 **customer complaining to Chandler Liu?**  
 25 A. I don't think the customer is --

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1 yeah, I don't think the customer is --  
 2 **Q. What's that?**  
 3 A. Yeah, I don't think the customer  
 4 is complaining to Chandler Liu in this case.  
 5 **Q. Okay. Who are they complaining**  
 6 **to?**  
 7 MR. BLANCHARD: Objection.  
 8 Calls for speculation.  
 9 THE WITNESS: Yeah, I think this  
 10 is an email, Chandler -- Chandler  
 11 messaging me.  
 12 BY MS. SCHAEFER:  
 13 **Q. Yeah?**  
 14 A. Correct.  
 15 I -- I'm sorry.  
 16 **Q. Where is -- he's mess--**  
 17 A. Yeah, Chandler is complaining --  
 18 **Q. I -- I don't --**  
 19 A. -- to me, if that's -- if that's  
 20 what you're asking, yeah.  
 21 **Q. Okay.**  
 22 A. I don't think the customer is  
 23 involved --  
 24 **Q. And --**  
 25 A. -- in this situation.

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1 **Q. So the very fir- -- I see "Hey,**  
 2 **Khalil, the customer complained about the delay of**  
 3 **the order."**  
 4 **Who -- who -- who's sending that**  
 5 **email?**  
 6 A. That is my CSR team complaining  
 7 to Chandler.  
 8 **Q. But calling him Khalil?**  
 9 A. Can you -- can you pinpoint  
 10 which -- which thread you're --  
 11 **Q. Okay. So I'm on the first --**  
 12 **I'm on the first string, the very first one where**  
 13 **it says "Hey, Khalil, the customer complained**  
 14 **about the delay of the order and need full**  
 15 **refund."**  
 16 A. Okay.  
 17 **Q. Who is sending that email to**  
 18 **Khalil?**  
 19 A. That is China sending it to us.  
 20 **Q. Okay. And by "China," you mean**  
 21 **Chandler Liu's operation?**  
 22 A. Correct.  
 23 **Q. Okay. Why is the customer**  
 24 **complaining to them directly instead of to you,**  
 25 **Zaappaaz?**

<p style="text-align: right;">268</p> <p>1 A. They're not complaining to -- to  2 Chandler. My CSR team probably messaged them  3 about this order, and then Khalil is the manager  4 who actually works directly with China, or Fatima  5 and Erore work directly with China, so they're  6 basically relaying the message and saying, look,  7 this is the situation.  8 <b>Q. And what is the situation?</b>  9 <b>Explain to me what the situation is. What are</b>  10 <b>they --</b>  11 MR. BLANCHARD: Objection.  12 Calls for speculation.  13 THE WITNESS: I don't know  14 specifically this order, but in this  15 case, the customer complained about a  16 delay of the order and needs a full  17 refund, which we probably gave a full  18 refund. That's not the question here.  19 The -- what we are trying to obtain  20 here is we are trying to get a refund  21 from Chandler because he has charged us  22 full, but we refund the customer in  23 full. So I think my CSR team is trying  24 to get a refund back from the vendor.  25 I think that's --</p>	<p style="text-align: right;">270</p> <p>1 <b>and the delivery date is not guaranteed?</b>  2 A. They are a special item that --  3 <b>Q. Why are masks -- why were masks</b>  4 <b>a special item?</b>  5 A. Because they are a special item  6 because of the new regulation that I was referring  7 to that took place around that time.  8 <b>Q. And so it would take -- would it</b>  9 <b>take longer to make them, or were they more</b>  10 <b>regulated so it was harder to get them out of the</b>  11 <b>country?</b>  12 A. Regulated.  13 <b>Q. Okay. And then the next --</b>  14 <b>let's go to the next string where it looks like</b>  15 <b>the -- he's talking directly to you.</b>  16 MR. BLANCHARD: Can you move the  17 exhibit sticker, Michelle?  18 MS. SCHAEFER: Yeah.  19 BY MS. SCHAEFER:  20 <b>Q. So he -- he's saying he can't</b>  21 <b>guarantee delivery; is that right?</b>  22 MR. BLANCHARD: Objection.  23 Calls for speculation.  24 THE WITNESS: Where are you,  25 Michelle? If you can just...</p>
<p style="text-align: right;">269</p> <p>1 BY MS. SCHAEFER:  2 <b>Q. Okay.</b>  3 A. -- the situation here.  4 <b>Q. Okay. But then -- so he said</b>  5 <b>that they shipped it on the 5th, delivery date is</b>  6 <b>on the 14th. And then he mentions National Day of</b>  7 <b>China. And then that they immediately contacted</b>  8 <b>UPS and asked them to help with special treatment.</b>  9 <b>So was the fact that it was the</b>  10 <b>National Day of China delaying the order?</b>  11 A. No. I think this is at the peak  12 of what I mentioned, of chaos. So a lot of things  13 were moving. But it was shipped out on -- if it  14 was shipped out on time, it should have left on  15 time before the national holiday. But I  16 believe -- I believe our website updated  17 accordingly to the national holiday. And what I  18 mean by "updated," meaning we updated delivery  19 dates to block those delivery dates as an option.  20 <b>Q. Well, then why wouldn't you have</b>  21 <b>blocked this consumer from ordering?</b>  22 A. Because it was shipped before  23 the national holiday.  24 <b>Q. And why -- he's saying masks are</b>  25 <b>special -- as you know, masks are special items</b></p>	<p style="text-align: right;">271</p> <p>1 BY MS. SCHAEFER:  2 <b>Q. It's on the last page right</b>  3 <b>above the first string, what we can guarantee.</b>  4 A. Yeah, Michelle, I don't know  5 anything about this order. But it says also  6 there's no special note about a delivery date when  7 this order is placed, so I don't know if the  8 customer requested a special date or -- I -- I  9 can't speculate on that. But -- but if you are --  10 if your question is they're saying that as you  11 know masks are special items and the delivery date  12 is not guaranteed, that is what they're stating,  13 correct.  14 <b>Q. And if they could not guarantee</b>  15 <b>delivery dates, how was it that you could,</b>  16 <b>Zaappaaz could guarantee delivery dates?</b>  17 MR. BLANCHARD: Objection.  18 Foundation. Objection. Misstates  19 prior testimony.  20 Can I say something, Michelle?  21 MS. SCHAEFER: Sure.  22 MR. BLANCHARD: I mean, I'm  23 talk- -- we talking about a -- I mean,  24 October of 2020 here, right? So I  25 don't think we know that delivery was</p>

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1 guaranteed.

2 MS. SCHAEFER: Well, I  
3 understand that. But clearly  
4 Mr. Makanojiya is saying to Fatima and  
5 Khalil stop guaranteeing, and it seems  
6 like they still are guaranteeing PPE  
7 items and delivery dates. I -- I --  
8 so...

9 BY MS. SCHAEFER:

10 **Q. So then it also -- he says**  
11 **"Delivery times, we cannot guarantee. This item**  
12 **is really special. We need to spend a lot of**  
13 **manpower to solve and track this shipment**  
14 **problem."**

15 **What is he referring to in terms**  
16 **of spending manpower to solve and track the**  
17 **shipment problem? Isn't that your CSRs'**  
18 **responsibility?**

19 A. The shipping problem? This  
20 is -- this is happening in China, so I don't think  
21 it's -- has anything related to my CSRs. This is  
22 something to do with the logistics in China. I  
23 believe it's involving customs, FedEx, whatever it  
24 may be. I -- I don't know. I don't know what  
25 they mean by "shipping problems." But this is --

273

1 this is happening in China, so I don't think my  
2 CSRs are related in this.

3 MR. BLANCHARD: Michelle, can  
4 you tell me where this document -- is  
5 this from our production?

6 MS. SCHAEFER: Yeah.

7 MR. BLANCHARD: Okay.

8 MS. SCHAEFER: Yep.

9 BY MS. SCHAEFER:

10 **Q. Okay. So the second-to-last,**  
11 **the second string from the top, we can do half and**  
12 **half this time, so what does that mean?**

13 MR. BLANCHARD: Objection.  
14 Calls for speculation.

15 THE WITNESS: Chandler is --  
16 Chandler's team is saying they would  
17 issue us 50 percent of whatever they  
18 spent, whatever they charged us.

19 BY MS. SCHAEFER:

20 **Q. And who's your -- your customer**  
21 **service team? Is that your CSRs?**

22 A. Where? I'm sorry. I...

23 **Q. So the same string, at the same**  
24 **time I would like -- I would like to want you to**  
25 **emphasize to your customer service team?**

274

1 A. That is China telling us.

2 **Q. Who's your customer service**  
3 **team?**

4 A. Who is my customer service team?

5 **Q. Yeah.**

6 **Is it Fatima and Khalil -- or**  
7 **Khalil?**

8 A. I mean, they're -- they're the  
9 managers. I mean, and the -- the information  
10 trickles down from them, but I -- I think -- yeah,  
11 that's -- that's the protocols.

12 **Q. Okay. And I guess in the same**  
13 **string, and the delivery problem explained to the**  
14 **final customer, what -- what is the delivery**  
15 **problem?**

16 A. What the world is going through  
17 with the logistical issues with FedEx, UPS,  
18 customs, U.S. Customs, U.S. shutdowns. I mean,  
19 all of those --

20 **Q. But it sounds -- okay.**

21 A. Yeah.

22 **Q. But it sounds like he's talking**  
23 **specifically about mask products, not all products**  
24 **in general when --**

25 A. Well, I mean, this

275

1 order specif- -- yeah, this order specifically is  
2 relating to masks. I don't think he would refer  
3 to anything else if it's -- we're referring to a  
4 specific order, which is mentioned on the subject,  
5 so I don't think he would --

6 **Q. Yeah.**

7 A. -- mention anything else.  
8 But -- but I don't think he's  
9 specifically referencing masks here, but it's --  
10 he's talking in regards to the order.

11 (Marked Exhibit 25.)

12 BY MS. SCHAEFER:

13 **Q. Okay. Do you see Exhibit 25?**

14 MR. BLANCHARD: Where do you  
15 want him to go in the exhibit?

16 MS. SCHAEFER: Yeah, we can just  
17 read it. You know what? I can...

18 MR. BLANCHARD: It's 35 pages.

19 MS. SCHAEFER: Yeah, I'll tell  
20 you. Let's start on page 3.

21 BY MS. SCHAEFER:

22 **Q. So this is Ionized sending an**  
23 **email to FedEx.**

24 **Is this you sending the email?**

25 A. I'm not sure, but -- I'm not



276

1 sure.

2 **Q. You're not sure?**

3 A. No.

4 **Q. Well, if you scroll up above,**  
5 **Samuel Pang is saying "Hi, Azim."**

6 **So does that refresh your**  
7 **recollection?**

8 A. The company interchanges and  
9 uses my name all the time, but I -- I'm not sure.

10 **Q. Okay. Well, so did Ionized get**  
11 **a contract with the City of Houston for PPE?**

12 A. We did.

13 **Q. And you wanted -- because of**  
14 **this contract, you reached -- did you reach out to**  
15 **FedEx to get an exception to the, you know, weight**  
16 **rules you were talking about yesterday?**

17 A. I don't believe so.

18 **Q. You didn't get an exception?**

19 A. I don't believe so.

20 **Q. Okay. Well, let's go to the**  
21 **next string where Sam Pang -- who is Samuel Pang?**

22 A. I don't -- I don't know who  
23 Samuel Pang is. I -- I believe I found him from  
24 LinkedIn.

25 **Q. Okay. So he says "Hi, Azim."**

277

1 **The request is acknowledged and we will reach**  
2 **Chandler Liu to contact to get more details about**  
3 **this urgent PPE shipping."**

4 **Why would they have to contact**  
5 **him --**

6 MR. BLANCHARD: Objection.

7 Calls for --

8 BY MS. SCHAEFER:

9 **Q. -- in order...**

10 MR. BLANCHARD: -- speculation.

11 THE WITNESS: The request is --

12 the request is acknowledged and we have  
13 reached out --

14 BY MS. SCHAEFER:

15 **Q. Do you know why FedEx would have**  
16 **to contact Chandler Liu in order to accommodate**  
17 **this request to fulfill the order for the City of**  
18 **Houston?**

19 A. Doing everything in my powers to  
20 get shipment moved from China, because this looks  
21 like it's -- new rules are being implemented and  
22 we are completely in the blind. So Chandler is  
23 the guy that's shipping there, so I guess that's  
24 why he contacted him on what can be done.

25 **Q. Okay. Okay.**

278

1 **So then let's go to the next**  
2 **string where it says "Hi, Samuel. We have**  
3 **3,000 kilograms urgent PPE supplies."**

4 **And so is this you asking him or**  
5 **is this your partner?**

6 A. I'm going to say I'm -- I -- I'm  
7 aware of this email -- I don't know if I wrote it  
8 personally, but I am aware of all these emails,  
9 yes.

10 **Q. Okay. Okay.**

11 **And so he writes back, and he**  
12 **wants to make sure that it's for a government**  
13 **authority.**

14 A. Okay.

15 **Q. Because it seems as if they're**  
16 **prioritizing government orders over commercial**  
17 **orders.**

18 **Were you aware of that at the**  
19 **time?**

20 A. Prioritizing? I would assume  
21 so. I cannot speculate on -- on what FedEx was  
22 doing, but I believe that would be a more sensible  
23 thing to do at that time, yes.

24 **Q. Okay. And then you respond "All**  
25 **of our orders are from cities and counties"?**

279

1 A. For Ionized, I believe so at  
2 that time, that is correct.

3 **Q. Okay. Okay.**

4 **So let's go up to -- I'm on**  
5 **page 1 now, and it's when -- the string on**  
6 **Wednesday April 1st, 2020, we need the formal**  
7 **letters from the government officials.**

8 **So they're asking for the**  
9 **purchase orders, is that right, as proof --**

10 A. Something, yeah, that --

11 **Q. -- that the government --**

12 A. Some -- something that shows --  
13 yeah, something that shows.

14 **Q. Okay. And so it looks like you**  
15 **submitted those orders?**

16 A. Correct.

17 **Q. And were all these orders to**  
18 **Ionized?**

19 A. I think you can tell from -- I  
20 believe so, but it should show on the purchase  
21 order if they were for Ionized or who were they  
22 for.

23 **Q. Okay. I have them. They were**  
24 **for Ionized.**

25 A. Yeah.

280

1 **Q. And did you get approval or not?**

2 A. Yeah, I mentioned earlier, I  
3 don't think so, anything happened in this case.  
4 (Marked Exhibit 26.)

5 BY MS. SCHAEFER:

6 **Q. Okay. I just marked Exhibit 26.**  
7 **Who is Darren Schmidt?**

8 A. He is a domestic FedEx agent.

9 **Q. And did you -- did Zaappaaz deal**  
10 **with him?**

11 A. Zaappaaz did deal with him on a  
12 regular basis, yes. He is our FedEx agent for  
13 domestic side.

14 **Q. Is he Ionized's agent as well?**

15 A. He is -- Ionized is also --  
16 well, we have a main FedEx account and all of the  
17 accounts are linked with -- with that, that's  
18 correct. So he is our agent. As of last month he  
19 is not, but, yes, he was our agent at that time.

20 **Q. What -- you just all the -- all**  
21 **the accounts are linked?**

22 A. Yeah. I'm --

23 **Q. Does that --**

24 A. -- the common --

25 **Q. -- mean that Ionized --**

281

1 A. Yeah, I'm the common denominator  
2 in all companies, so it makes economical sense for  
3 me to leverage my FedEx rates. So we have one  
4 master FedEx account, and any company that I own,  
5 I have additional FedEx accounts under them so I  
6 can -- I can leverage the same FedEx rates.

7 **Q. Is the master account under**  
8 **Zaappaaz or Ionized?**

9 A. Zaappaaz.

10 **Q. So were 20 -- well, 20 new**  
11 **Ionized accounts were created.**

12 **Why were 20 new Ionized created**  
13 **on April 2nd?**

14 A. This was a tactic that was --  
15 that we used to create additional accounts because  
16 China was limiting a hundred kilos per account  
17 during this time. They put limitations on how  
18 much shipment can go out per account from China,  
19 so for us to bypass that, we created 20 new  
20 Ionized FedEx accounts so we could ship  
21 2,000 kilos from China without having the  
22 restriction.

23 **Q. Okay.**

24 **So do you see this spreadsheet?**

25 **MR. BLANCHARD: No.**

282

1 MS. SCHAEFER: Hmm...

2 MR. BLANCHARD: Oh, here we go.

3 Yes.

4 (Marked Exhibit 27.)

5 BY MS. SCHAEFER:

6 **Q. Okay. I don't see the exhibit**  
7 **sticker, but I marked it as -- I marked this as**  
8 **Exhibit 27.**

9 **Are these the 20 new accounts**  
10 **that you created?**

11 A. Looks like it. Yeah, I think  
12 so.

13 (Marked Exhibit 28.)

14 BY MS. SCHAEFER:

15 **Q. Okay. So I marked this email as**  
16 **Zaappaaz 28. And I just want to focus on this**  
17 **string between Barry Xu and Marco.**

18 **Who is Barry Xu?**

19 A. Someone that I found from  
20 LinkedIn as well.

21 **Q. Okay. So let's start with the**  
22 **second paragraph. To make a long story short,**  
23 **Zaappaaz is an account under Ionized, LLC.**

24 **And I think you just testified**  
25 **that they're linked, that -- that Ionized is an**

283

1 **account under Zaappaaz; is that right?**

2 A. I would -- I believe so, then,  
3 yes.

4 **Q. Okay. So he -- is he flipping**  
5 **it?**

6 A. I'm sorry?

7 **Q. Is he -- I mean, you said that**  
8 **Ionized was -- they're all linked, but Ionized is**  
9 **basically under Zaappaaz's master account?**

10 A. Yeah.

11 **Q. But here it seems as if he's**  
12 **flipping it and saying that Zaappaaz is under**  
13 **Ionized's account?**

14 A. He's saying Ionized is under  
15 Zaappaaz -- or, no, I --

16 **Q. Okay.**

17 A. -- that Zaappaaz is under  
18 Ionized, but, yes, it -- one of those -- okay.  
19 I -- I'm not sure.

20 **Q. But which one is -- I mean, is**  
21 **there -- is there a master and a sub?**

22 A. I don't think it holds any  
23 purpose. I mean, they have their own buildings.  
24 But I don't know -- I don't know who's -- I don't  
25 know how their structure is set up, but they have

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1 their own buildings, I would -- I guess. No, not  
2 guess. They do have their own buildings. I just  
3 don't know how they're structured.

4 **Q. When you say "they," what are**  
5 **you referring to?**

6 A. FedEx.

7 **Q. The accounts?**

8 **Are you saying you don't know**  
9 **how FedEx structures these accounts?**

10 A. I'm sorry?

11 **Q. Are you saying you don't know**  
12 **how FedEx structures these accounts?**

13 A. That's correct, yeah.

14 **Q. Okay.**

15 A. For us --

16 **Q. When you created the --**

17 A. For us, Zaappaaz is an  
18 account -- yeah, go ahead.

19 **Q. I'm -- I'm sorry.**

20 **What?**

21 A. For us, Zaappaaz is an  
22 individual account. Ionized is an individual  
23 account. It's just -- we don't know how they  
24 structure it on FedEx's side. It's irrelevant to  
25 us.

285

1 **Q. But do you use the accounts**  
2 **interchangeably to ship?**

3 A. We do. Not the master accounts,  
4 not the main accounts, but like  
5 Ionized 1 through 20 that was created, they were  
6 used interchangeably.

7 **Q. Oh, okay.**

8 **Are there master Ionized**  
9 **accounts that are not used interchangeably or are**  
10 **all of the Ionized accounts used interchangeably?**

11 A. No. So there's -- I think  
12 Zaappaaz 1 and 2, there was no point of using them  
13 interchangeably. Those were specifically  
14 Zaappaaz, I believe. Maybe in some instances they  
15 were used interchangeably. I -- I can't tell you  
16 what they were, but -- I don't know. But most of  
17 the time, the main accounts for Ionized, Zaappaaz,  
18 any other companies, were strictly for those  
19 companies. If we used it interchangeably, it was  
20 for strategic reasons to ship the goods out from  
21 China.

22 **Q. So you were you using both**  
23 **accounts to ship goods out of China and those**  
24 **goods were fulfilling both Ionized customers and**  
25 **Zaappaaz customers?**

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1 MR. BLANCHARD: Objection.

2 Misstates prior testimony.

3 THE WITNESS: Correct.

4 MR. BLANCHARD: Withdraw the  
5 objection.

6 BY MS. SCHAEFER:

7 **Q. Okay. So let's go -- okay. So**  
8 **it looks like the -- you know, that second**  
9 **paragraph is talking about, you know, you've got**  
10 **this contract with the City of Houston.**

11 **Do you know what the 5K push**  
12 **pull cooperation refers to?**

13 A. What paragraph is that?

14 **Q. It's the second one still.**

15 **It says "Jimmy Higham is the IAE**  
16 **for this account and contacted us in early April**  
17 **on 5K push pull cooperation."**

18 MR. BLANCHARD: Objection.

19 Calls for speculation.

20 THE WITNESS: I don't know where  
21 she's reading that. What page is that?

22 MR. BLANCHARD: So it's --

23 BY MS. SCHAEFER:

24 **Q. Oh, I'm on the first page,**  
25 **the --**

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1 MR. BLANCHARD: The very last  
2 sentence of paragraph 2.

3 THE WITNESS: Oh, okay.

4 I -- I don't know.

5 BY MS. SCHAEFER:

6 **Q. Okay. Okay.**

7 **Let's go to the third sentence**  
8 **of this paragraph. So was -- is this -- referring**  
9 **to the volume control was relaxed, 300 kilograms**  
10 **per consignee, is that -- was that relaxed for**  
11 **Zaappaaz? For Ionized?**

12 MR. BLANCHARD: Objection.

13 Calls for speculation.

14 BY MS. SCHAEFER:

15 **Q. I'm gue -- I'm wondering if you**  
16 **know -- when he says our volume control is relaxed**  
17 **at 300 kilograms per consignee was allowed, do you**  
18 **know what he's referring to?**

19 A. I think the limitations on how  
20 much we can ship per mon- -- per day.

21 **Q. And that applies to everyone or**  
22 **just Zaappaaz and Ionized?**

23 MR. BLANCHARD: Objection.

24 Calls for speculation.

25 THE WITNESS: I think it was

288

1 just one account, Zaappaaz's account.

2 BY MS. SCHAEFER:

3 **Q. Okay. And do these medium-sized**  
 4 **shipments have -- do these have anything to do**  
 5 **with the government contracts you received?**

6 A. I believe at that time the  
 7 majority of our orders were government contract or  
 8 government agencies that were wanting PPE  
 9 products.

10 **Q. And to the extent there were**  
 11 **governments and consumers, were you prioritizing**  
 12 **governments?**

13 A. We were not. We didn't have the  
 14 ability to do that.

15 **Q. And then in the fourth**  
 16 **paragraph, in the second week, volume control was**  
 17 **stricter to a hundred per shipper. And he says "I**  
 18 **got RMCC approval for two months exceptional**  
 19 **acceptance per day." Each location was one ton.**  
 20 **The approved period was one week.**

21 **So does -- what is -- does this**  
 22 **exception relate to the government contracts?**

23 MR. BLANCHARD: Objection.

24 Calls for speculation.

25 THE WITNESS: I believe so. I

289

1 mean, if it's -- this was happening on  
 2 a daily basis. Things were just  
 3 updating and we were receiving  
 4 information on a daily basis on what  
 5 limitations were there and what  
 6 limitations weren't there. But, yes,  
 7 when -- when we were -- we were  
 8 allocated a certain amount of large  
 9 volume, government goods were being  
 10 shipped out.

11 BY MS. SCHAEFER:

12 **Q. Okay. Do you see the sentence,**  
 13 **it says "In the past week the pickup from Yiwu was**  
 14 **through CNSD approval as one-time CT pick up**  
 15 **procedure?**

16 A. Correct.

17 **Q. Do you know what CNSD approval**  
 18 **is?**

19 A. I do not, no. I -- I...

20 **Q. Okay. And Yiwu is -- was she**  
 21 **the other trading partner you referenced yesterday**  
 22 **in addition to Chandler Liu?**

23 A. No. Yiwu is a city, I think.

24 No, Yiwu is a city.

25 **Q. Okay.**

290

1 A. Yeah.

2 **Q. And who runs -- is it -- who**  
 3 **were you -- who was your broker agent in Yiwu?**

4 A. This is Chandler.

5 (Marked Exhibit 29.)

6 BY MS. SCHAEFER:

7 **Q. All right. So I've marked a**  
 8 **FedEx invoice as Zaappaaz 29.**

9 **So is this -- is this account**  
 10 **number Zaappaaz's account?**

11 A. I don't know. I think it is.

12 It says "Zaappaaz" on there, so I would -- I would  
 13 assume, but -- yes.

14 **Q. Okay. It is a Zaappa- -- I can**  
 15 **tell you that it is a Zaappaaz account number.**

16 A. Okay.

17 **Q. And I'm going to go to the**  
 18 **second page. And so here we see who the sender**  
 19 **is, and we see the recipient is Ionized.**

20 **And so is this one of the**  
 21 **situations that we were just discussing where you**  
 22 **were using accounts interchangeably to ship --**

23 A. No. This --

24 **Q. -- to the --**

25 A. -- is --

291

1 **Q. -- companies?**

2 A. Yeah, no. This is -- I believe  
 3 this is a Zaappaaz shipment, a Zaappaaz-paid-for  
 4 shipment. Ionized is just specifically used by  
 5 the recipient who created this. It has no  
 6 bearing. It's -- it's actually going to our  
 7 warehouse.

8 **Q. What -- so is this one of the**  
 9 **cases where you're just sending it to different**  
 10 **people --**

11 A. No.

12 **Q. -- because of the restrictions?**

13 All --

14 A. No.

15 **Q. -- right.**

16 **Then I guess -- okay. So**  
 17 **explain the relationship again.**

18 A. Well, first, this one is  
 19 actually coming from Malaysia, so we just want to  
 20 clarify that this is not China. Second --

21 **Q. And did you have trading**  
 22 **partners in Malaysia as well?**

23 A. We didn't have a trading  
 24 partner. We had a person that sent us gloves. I  
 25 think the only thing that came from Malaysia was

292

1 gloves, I believe.  
 2 **Q. Okay.**  
 3 A. So this was a large shipment  
 4 of --  
 5 **Q. And tell me again --**  
 6 A. -- gloves.  
 7 **Q. Okay. And why are they being**  
 8 **shipped to Ionized again?**  
 9 A. They're not being -- they're  
 10 being shipped to our warehouse. I think the  
 11 shipper just used Ionized for the sake of using  
 12 Ionized, but didn't really matter. It's -- it's  
 13 coming to our warehouse.  
 14 **Q. And so it doesn't really -- so**  
 15 **it's coming to your warehouse, and then are those**  
 16 **products going to be -- but were those products**  
 17 **then used to fulfill Ionized and Zaappaaz's**  
 18 **orders?**  
 19 A. It's possible. I'm not sure,  
 20 but if it's under -- if this is under Zaappaaz's  
 21 bill, Zaappaaz -- the bill. Now, if Ionized  
 22 needed a hundred of these boxes, they took a  
 23 hundred of these boxes.  
 24 **Q. And was there any reimbursement?**  
 25 A. Absolutely.

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1 **Q. I don't know if I asked you this**  
 2 **yesterday.**  
 3 **Is there some sort of formal**  
 4 **agreement between Ionized and Zaappaaz --**  
 5 A. No.  
 6 **Q. -- sharing resources?**  
 7 **Are they maintained as separate**  
 8 **companies?**  
 9 A. Absolutely. There are different  
 10 partners in each company.  
 11 **Q. And they don't share -- well,**  
 12 **what sorts of resources do they share, Ionized**  
 13 **and --**  
 14 A. At the time?  
 15 **Q. -- Zaappaaz?**  
 16 **What's that?**  
 17 A. At the time?  
 18 **Q. I guess, yeah, for March**  
 19 **through, let's say, December 2020.**  
 20 A. Yeah. I mean, whatever  
 21 resources were -- we were selling that were in  
 22 common. I mean, gloves, masks were common things  
 23 that we were selling.  
 24 **Q. And you -- you share common**  
 25 **employees?**

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1 MR. BLANCHARD: Objection.  
 2 Foundation. Misstates prior testimony.  
 3 THE WITNESS: We had our own  
 4 employees. Maybe some overlap, but I  
 5 think we had our -- our employees were  
 6 pretty -- pretty much separated.  
 7 BY MS. SCHAEFER:  
 8 **Q. Okay. But you -- do you share a**  
 9 **warehouse?**  
 10 A. That is absolutely right, yeah.  
 11 **Q. Do you share bank accounts?**  
 12 A. No.  
 13 **Q. Do you pay each other's bills?**  
 14 A. If you could elaborate a little  
 15 more on that?  
 16 **Q. For example, does Zaappaaz pay**  
 17 **for Ionized's advertising Google bills?**  
 18 A. No.  
 19 **Q. Does Zaappaaz pay for Ionized's**  
 20 **office space and warehouse space?**  
 21 A. Ionized pays for the whole  
 22 office. We reimburse Ionized based on our  
 23 allocations that we use, if that makes it a little  
 24 more clear.  
 25 MR. BLANCHARD: Hey, Michelle, I

295

1 need another quick break, please.  
 2 MS. SCHAEFER: Okay.  
 3 MR. BLANCHARD: Thanks.  
 4 (Off the record from 12:07 until  
 5 12:20.)  
 6 BY MS. SCHAEFER:  
 7 **Q. Okay. So now I would like to**  
 8 **talk about advertising, and we'll limit this from**  
 9 **March 2020 onward.**  
 10 **How does Zaappaaz advertise?**  
 11 A. We use multiple channels.  
 12 Google, Microsoft, ASI.  
 13 **Q. Do you advertise on Twitter?**  
 14 A. No. No.  
 15 **Q. I didn't hear that. No.**  
 16 **Do you advertise on Instagram?**  
 17 A. I don't think we had any  
 18 advertising going on Instagram. If there was,  
 19 very -- it -- it probably started and it was --  
 20 for me, it was irrelevant. Maybe -- I don't think  
 21 it's more than a thousand dollars. I think we  
 22 tried it but we never did it, but don't hold me to  
 23 that.  
 24 **Q. Facebook?**  
 25 A. Again, we tried it, but very



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1 irrelevant to our numbers. But I want to say  
2 maybe 3,000, 4,000 dollars' worth.  
3 MR. BLANCHARD: And are we just  
4 talking PPE, Michelle, or just  
5 advertising in general?  
6 BY MS. SCHAEFER:  
7 **Q. I'm talking PPE. Let's limit**  
8 **this to PPE.**  
9 A. Yeah, I think Facebook blocked  
10 us right off the bat because of sensitive items.  
11 **Q. What's your most lucrative**  
12 **platform to advertise on?**  
13 A. Google.  
14 **Q. What type of Google services do**  
15 **you use to advertise?**  
16 A. AdWords.  
17 **Q. And can you explain how AdWords**  
18 **works?**  
19 A. Yeah. If you type in "custom  
20 plastic cups," you'll see ads. I think most  
21 likely sometimes they have three ads or four ads  
22 on the top of the page. That is Google AdWords.  
23 **Q. Let's limit the examples to**  
24 **covered products, please. I'm just kidding. I'm**  
25 **just kidding.**

297

1 **Okay. So do you only advertise**  
2 **online?**  
3 A. Yeah. We only advertise online,  
4 yeah.  
5 **Q. Okay. And do you also advertise**  
6 **via email --**  
7 A. We do.  
8 **Q. -- email -- direct emails?**  
9 A. Really not --  
10 **Q. Who's in charge...**  
11 A. I'm sorry. We --  
12 **Q. Go ahead.**  
13 A. We do not -- I don't know if  
14 it's considered advertising. It's email  
15 marketing. So, I mean, if you want to cons- --  
16 it's our own customers that we are -- yeah, if  
17 that's considered advertising. But, yes, that's  
18 what we do.  
19 **Q. And it's your own customers you**  
20 **send these emails to?**  
21 A. That's correct.  
22 **Q. Who's in charge of advertising**  
23 **at Zaappaaz?**  
24 A. For AdWords and Microsoft, it's  
25 Diran. Diran.

298

1 **Q. Who is it?**  
2 A. Diran, the -- the contractor.  
3 **Q. He's -- oh.**  
4 **Can you spell his name?**  
5 A. Yeah. I think you had him  
6 yesterday in one -- one of the lists, but D, as in  
7 "David," I-R-A-N.  
8 **Q. And where is he located?**  
9 A. I believe in California.  
10 **Q. And what kind of services does**  
11 **he provide you related to advertising?**  
12 A. He handles our AdWords.  
13 **Q. And what does it mean to handle**  
14 **AdWords? I don't know what that means.**  
15 A. He's an expert at creating ads,  
16 optimizing ads, making sure the dollar is well  
17 spent.  
18 **Q. Is he in charge of coming up**  
19 **with the search terms?**  
20 A. I would say so, yes.  
21 **Q. Does he have to run those by**  
22 **anybody?**  
23 A. Not individually, no.  
24 **Q. And he's been responsible for**  
25 **advertising since at least March 2020 --**

299

1 A. Oh, yeah, for sure.  
2 **Q. -- onwards?**  
3 **And he's able to actually do all**  
4 **of the work behi- -- on the back end of Google to**  
5 **advertise? Is Google providing any hands-on**  
6 **services --**  
7 A. Yeah, Google provides a  
8 platform.  
9 **Q. -- in terms of advertising?**  
10 A. Yeah, it --  
11 **Q. What's that?**  
12 A. -- provides a plat- -- it  
13 provides a platform.  
14 **Q. And then Diran does all the**  
15 **necessary work needed in terms of the searches and**  
16 **the AdWords and figuring out if it's a lucrative**  
17 **campaign?**  
18 A. Correct.  
19 **Q. Does he ever have to get**  
20 **clearance from you, let's say, to do anything in**  
21 **particular with respect to the advertising?**  
22 A. I mean, we -- we talk in general  
23 as to what we need to advertise, but he has the  
24 freedom to optimize the ads as he needs.  
25 **Q. So I'm going to use some**

<p style="text-align: right;">300</p> <p>1 <b>spreadsheets now.</b></p> <p>2 MS. SCHAEFER: So these are --</p> <p>3 Gary, just so you know, we're going to</p> <p>4 do what we did with you last time,</p> <p>5 which is mark exhibits outside of</p> <p>6 AgileLaw and then when we do cleanup,</p> <p>7 we'll send them to you.</p> <p>8 THE COURT REPORTER: Sounds</p> <p>9 good. Thank you.</p> <p>10 BY MS. SCHAEFER:</p> <p>11 <b>Q. So this is a report that you</b></p> <p>12 <b>produced, and it's Omnisend March through December</b></p> <p>13 <b>campaign.</b></p> <p>14 <b>Who is Omnisend?</b></p> <p>15 A. Email marketing software.</p> <p>16 MR. BLANCHARD: We can't see the</p> <p>17 spreadsheet, Michelle.</p> <p>18 MS. SCHAEFER: Oh, sorry. Okay.</p> <p>19 BY MS. SCHAEFER:</p> <p>20 <b>Q. Do you see it?</b></p> <p>21 MR. BLANCHARD: Yes.</p> <p>22 THE WITNESS: Michelle, if you</p> <p>23 could zoom in on that just a little</p> <p>24 bit?</p> <p>25</p>	<p style="text-align: right;">302</p> <p>1 Our designers create the content.</p> <p>2 <b>Q. Okay. So the other spreadsheets</b></p> <p>3 <b>we're going to look at have columns -- I</b></p> <p>4 <b>mean have -- yeah, they have headers, and this one</b></p> <p>5 <b>doesn't.</b></p> <p>6 <b>Is that something you can</b></p> <p>7 <b>provide to us?</b></p> <p>8 A. I mean --</p> <p>9 <b>Q. I guess I'm referring --</b></p> <p>10 MR. BLANCHARD: What's the</p> <p>11 question? I'm sorry.</p> <p>12 MS. SCHAEFER: So there's no</p> <p>13 headers. Like, all the other reports</p> <p>14 you produced have column headers. But</p> <p>15 this one, I mean, it's -- you don't</p> <p>16 know what this stuff means without</p> <p>17 knowing, you know, what the --</p> <p>18 MR. BLANCHARD: Well, we --</p> <p>19 MS. SCHAEFER: -- what it is.</p> <p>20 MR. BLANCHARD: -- actually went</p> <p>21 and -- and generated these for you, so</p> <p>22 I -- this was what Omnisend gave us.</p> <p>23 THE WITNESS: Correct.</p> <p>24 MR. BLANCHARD: And so I think</p> <p>25 this is all we can do.</p>
<p style="text-align: right;">301</p> <p>1 BY MS. SCHAEFER:</p> <p>2 <b>Q. Better?</b></p> <p>3 A. Just a little bit more. I --</p> <p>4 yeah, there you go. That should be good.</p> <p>5 <b>Q. Okay. And so we'll mark this as</b></p> <p>6 <b>Zaappaaz 30.</b></p> <p>7 <b>(Marked Exhibit 30.)</b></p> <p>8 BY MS. SCHAEFER:</p> <p>9 <b>Q. So you said Omnisend is a</b></p> <p>10 <b>software?</b></p> <p>11 A. It's an email marketing soft- --</p> <p>12 email subscription marketing software, if you want</p> <p>13 to call it.</p> <p>14 <b>Q. And is Diran responsible for</b></p> <p>15 <b>using that software?</b></p> <p>16 A. No.</p> <p>17 <b>Q. Who is responsible for using it?</b></p> <p>18 A. The content is created by</p> <p>19 Khalil. The execution is done by our developer.</p> <p>20 <b>Q. And your developer, who is your</b></p> <p>21 <b>developer?</b></p> <p>22 A. Priyank.</p> <p>23 <b>Q. So does that mean that Khalil</b></p> <p>24 <b>creates these advertisements, the content?</b></p> <p>25 A. He gives the content behind it.</p>	<p style="text-align: right;">303</p> <p>1 MS. SCHAEFER: Okay. Well, then</p> <p>2 let's -- okay. Well, let's go through</p> <p>3 these columns and see if Mr. Makanojiya</p> <p>4 can tell me what it signifies.</p> <p>5 BY MS. SCHAEFER:</p> <p>6 <b>Q. So -- all right.</b></p> <p>7 <b>Here, is this the date? What's</b></p> <p>8 <b>this -- what does this date signify?</b></p> <p>9 MR. BLANCHARD: Objection.</p> <p>10 Foundation. Speculation.</p> <p>11 THE WITNESS: I guess the date</p> <p>12 when it was created or sent out.</p> <p>13 BY MS. SCHAEFER:</p> <p>14 <b>Q. And what is this column?</b></p> <p>15 A. The title of the marketing</p> <p>16 email.</p> <p>17 And this is all -- I'm assuming</p> <p>18 all this, so I'm just giving you the best of what</p> <p>19 I can give you.</p> <p>20 <b>Q. Wait. I'm sorry.</b></p> <p>21 <b>What was that?</b></p> <p>22 A. I'm giving you the best response</p> <p>23 I can give you. I'm giving you -- I'm speculating</p> <p>24 on all this. I don't have the headers on these,</p> <p>25 so I don't know.</p>

304

1 **Q. Okay. Would Khalil know?**

2 MR. BLANCHARD: Michelle, this  
3 is Mike. It may help -- this is  
4 basically an Omnisend document that  
5 we -- you know, we just printed a  
6 report trying to, you know, give you as  
7 much as we could, but we didn't create  
8 the document.

9 BY MS. SCHAEFER:

10 **Q. But you created the report? How**  
11 **did you generate the report? Where is this report**  
12 **generated from?**

13 A. Omnisend.

14 **Q. And were you able to generate**  
15 **this from your end or did you have to ask Omnisend**  
16 **to generate this for you?**

17 A. I don't know. That's something  
18 Khalil probably did. I'm not sure. I don't think  
19 I generated it myself.

20 **Q. Okay. So -- okay.**

21 **Okay. So you think this is the**  
22 **title of the email?**

23 A. That's correct.

24 **Q. And what is column C?**

25 MR. BLANCHARD: Foundation.

305

1 Speculation.

2 THE WITNESS: I don't know.  
3 Maybe it's a keyword that's --  
4 references the email marketing. I  
5 don't know. I don't know what that is.

6 BY MS. SCHAEFER:

7 **Q. Okay. Do you know what any of**  
8 **these other columns are?**

9 A. Yes. So ASI claimed segment  
10 is -- is our ASI customers. ASI is -- they're  
11 mostly -- I don't know how to characterize them.  
12 They're most -- that's a B2B transac- -- it's  
13 basically a segment of customers that we have that  
14 come through ASI, and they're basically all  
15 businesses.

16 **Q. Okay. I guess -- can you**  
17 **elaborate? What are all businesses?**

18 A. So ASI is a platform. It's an  
19 association of -- of promotional product  
20 companies, and we're part of that association.  
21 And we have history with those customers and  
22 credibility, so they basically order product from  
23 us. Let's put it that way. So it's just an  
24 association of promotional products companies. So  
25 if I have a company that sells promotional

306

1 products, there's another company that -- that  
2 serves, like, Google or someone else as -- as  
3 their client, and then they buy from us and then  
4 they send it to Google. So one's a distributor,  
5 one's a supplier. We are a supplier.

6 **Q. Okay.**

7 A. And all of these lists are  
8 mostly distributors.

9 **Q. Okay. Do you know what any of**  
10 **the other columns represent?**

11 A. I think column F represents  
12 maybe the list count, the --

13 **Q. The what --**

14 A. -- email account.

15 **Q. -- count?**

16 A. Email account, number of emails.

17 **Q. So number -- can you elaborate**  
18 **on what you mean by "number of emails"?**

19 A. 155,293 emails. I think that's  
20 how many it sent out.

21 **Q. Okay. So let's just -- let's**  
22 **walk through this. So -- okay.**

23 **December 31st, 2020, is the date**  
24 **that -- what is that date again? I know you**  
25 **testified about it, but...**

307

1 MR. BLANCHARD: Objection.

2 Foundation. Calls for speculation.  
3 THE WITNESS: I think it's --  
4 it's the date that it was sent out, the  
5 email --

6 BY MS. SCHAEFER:

7 **Q. Okay.**

8 A. -- marketing.

9 **Q. Okay. And you testified you**  
10 **think that this is the subject of --**

11 A. Mm-hmm.

12 **Q. -- the email?**

13 A. Mm-hmm.

14 **Q. We're not sure what this is.**  
15 **You're not sure what this is.**

16 **And so this means that 155,293**  
17 **emails were sent --**

18 A. I think so.

19 **Q. -- with -- okay.**

20 **Related to alcohol and**  
21 **alcohol-free antibacterial wipes available?**

22 A. That was the subject of it,  
23 yeah.

24 **Q. And the emails, tell me again**  
25 **who these emails are going to.**

308

1 A. ASI is an association of all  
2 promotional products companies. They're  
3 categorized in two different ways. There's  
4 suppliers and there's distributors. We are the  
5 suppliers. And there's distributors who order  
6 from us, so I'm guessing the 150- -- well, I think  
7 all of -- most of the 155,000 are the distributors  
8 in that association.

9 **Q. Okay. Okay.**

10 **Anything else here that you can**  
11 **tell me?**

12 A. I think -- I mean, I don't know  
13 how to decipher it, but it -- some numbers could  
14 show the ratio of how many open -- how many people  
15 opened it out of 155,000, and then it shows, I  
16 guess, the number of how many people opened it,  
17 the ratio. That's what usually the metrics show  
18 in these types of things. But I don't know. I --  
19 I don't know --

20 **Q. Do you think that's what some of**  
21 **these -- you don't? Okay.**

22 A. Yeah, I think that some of those  
23 numbers reference that. And how many bounce back,  
24 how many are incorrect email addresses, how many  
25 people unsubscribe to the email. Those are some

309

1 of the --

2 **Q. Okay.**

3 A. -- columns there.

4 **Q. Okay. All right.**

5 **Okay. And this is going to be**  
6 **marked Zaappaaz 31.**

7 **(Marked Exhibit 31.)**

8 BY MS. SCHAEFER:

9 **Q. And this is an ad report that**  
10 **you produced. And...**

11 **(Off the record from 12:38 until**  
12 **12:39.)**

13 BY MS. SCHAEFER:

14 **Q. Okay. So this is an ad report**  
15 **that you produced.**

16 **Where does -- what does this**  
17 **spreadsheet reflect? What is the --**

18 A. If you could zoom in a little  
19 bit, Michelle?

20 **Q. Yeah, sure. Too much.**

21 **Okay. Is that good? Tell me**  
22 **when.**

23 A. Yeah, that's good.

24 I mean, I -- I guess we can go  
25 line by line and it should give you, like, an

310

1 understanding of -- so if you just want to zoom  
2 in --

3 **Q. Okay.**

4 A. -- a little bit.

5 Yeah, that's good. Okay.

6 **Q. So what is -- what is --**

7 MR. BLANCHARD: Hey, Michelle,  
8 just so I don't interrupt you, can I  
9 have a running objection to -- to  
10 foundation and speculation on  
11 everything about this spreadsheet?

12 MS. SCHAEFER: Sure.

13 BY MS. SCHAEFER:

14 **Q. Okay. So what does column A**  
15 **reflect?**

16 A. I think those are just -- they  
17 call them main headline, I would assume, of what  
18 you would see when you search the product.  
19 Headline one.

20 **Q. So are...**

21 **So, for example -- well, do you**  
22 **see this says "keyword"?**

23 A. It's not -- it's not -- it's not  
24 what you think as keyword, but it's -- it's a  
25 little code that basically if it's relevant to my

311

1 product, it would put that code in there.

2 So, for example, we have 40,000  
3 different colors of wrist-bands, so if -- I don't  
4 want to create 40,000 different ads. So what I  
5 would do is if it is relevant to my ad and you  
6 typed in "red hundred percent silicone  
7 wrist-bands," my ad would show up. And it would  
8 say "red hun-" -- it would replace the word  
9 "keyword" with "red," if it was relevant.

10 **Q. Okay. And it looks like -- I'm**  
11 **not -- I don't know -- do you know whether -- is**  
12 **this just limited to noncovered products?**

13 A. No, I don't think so. It might  
14 have been pulled for a certain date that was  
15 requested, if this was provided by us.

16 **Q. Where was this data pulled from?**

17 A. AdWords.

18 **Q. So this all comes from Google?**

19 A. Correct.

20 **Q. Okay. All right.**

21 **Can you walk me through another**  
22 **example of how column A works and the terms in it?**

23 A. Yeah. If you type in -- if you  
24 type in "silicone wrist-bands," you'll see the  
25 text on the ads in Google saying "a hundred

312

1 percent silicone wrist-bands." That's basically  
2 what it would be.

3 **Q. So this shows the hits that you**  
4 **get --**

5 A. No.

6 **Q. -- when you search?**

7 **No?**

8 A. No. Yeah, just -- just --

9 **Q. Okay.**

10 A. Just imagine going to Google,  
11 typing in "silicone wrist-bands." These are the  
12 headers that you would probably see.

13 **Q. That you can then click on?**

14 A. Yeah. It would just -- yeah,  
15 and then you could click on them, correct.

16 **Q. And then when you click on that,**  
17 **where do they take you?**

18 A. If you scroll to the right, is  
19 there any more data to the right?

20 **Q. Here's column B.**

21 A. Okay. I think they're all  
22 empty, aren't they? Is that...

23 Yeah, I think they're all the  
24 same. That's why the -- if you scroll to the --  
25 yeah, see. So that's basically additional stuff

314

1 the ads.

2 **Q. So you click on it, you might**  
3 **end up on CustomLanyard.net --**

4 A. No.

5 **Q. -- or something?**

6 A. No. It has to be the same  
7 domain, meaning like the extension could be  
8 something else. IT could be Wrist-Band.com  
9 forward slash -- I don't know, XYZ.

10 **Q. But it will always be some page**  
11 **on -- will it always be some page on your website?**

12 A. On that domain, Wrist-Band.com.

13 **Q. Okay. What's AE?**

14 A. I think it's additional --

15 **Q. I'm assuming it's the same**  
16 **thing?**

17 A. Yeah, I see additional stuff.

18 **Q. Is this additional -- wait.**

19 **Is this -- it looks like it's**

20 **just matching up with column A, to tell you the**  
21 **truth, but I'm not --**

22 A. It could be. I mean, maybe  
23 column A is just the subject of that -- of that  
24 ad, but this is showing you -- I think this is the  
25 headline of the first -- first line of the ad.

313

1 that would be written on the ads itself, but there  
2 should be a column that tells you where it's  
3 linking to.

4 **Q. Tells you what?**

5 A. Where does the link take you to.

6 **Q. Oh, okay.**

7 **So this is more text you get**  
8 **when you run a search --**

9 A. Mm-hmm.

10 **Q. -- is that right?**

11 **Okay. What's column AB?**

12 A. Same thing, additional text.

13 **Q. AC?**

14 A. Same text. Additional stuff.

15 That is the URL. The display URL is what you'll  
16 see when you go to Google.com and see our ads, not  
17 necessarily the URL that you will land on, but  
18 there should be a -- a URL link somewhere. There  
19 should be another --

20 **Q. So this is -- this is the URL**  
21 **link you see -- when you do your search and you**  
22 **get a hit, this is the website you see in the hit?**

23 A. When you do a Google search,  
24 yeah, that's the website you'll see, not  
25 necessarily where you will land on when you click

315

1 **Q. Okay. And AQ?**

2 A. AQ is considered a campaign. So  
3 within a campaign, like, you could just segment it  
4 out on how you want to organize it, but it's --  
5 this is a wrist-band campaign.

6 **Q. Okay. What's AR?**

7 A. AR is another way to organize.  
8 So there's ad groups, and within ad groups, you  
9 can have campaigns, and then it's just a funneling  
10 process.

11 **Q. Okay. I just want to see if...**

12 **Why are these all -- do you know**  
13 **why all these options are coming up?**

14 A. I can't see them, but, again,  
15 they're probably categories that we -- we use to  
16 organize it.

17 **Q. Okay. AS?**

18 A. Campaign type, there's multiple  
19 ways you can advertise on Google AdWords. You can  
20 do search. You can do PLAs. You can do YouTube.  
21 You could do all sorts of different types. So I  
22 just kind of categorized what type of campaign it  
23 is.

24 **Q. So -- okay. So what's -- I'm**  
25 **just going to walk through this.**



316

**What is display?**

A. Display marketing is like if you go to -- for example, if you go to someone else's website -- or if you go to New York Times and you're reading an article called "PPE Shortage in the U.S.," on the right side when you see ads there, that's display.

**Q. Okay. And search?**

A. Search is what we were just referring to initially, is when you type it in Google and you see the -- the top three or four search are search ads.

**Q. Okay. Shopping?**

A. Shopping is when you type in "silicone wrist-bands" or any product and you see images on the right-hand side.

**Q. Video?**

A. YouTube.

**Q. What's AT, campaign subtype?**

A. I think it's like if you want to be part of all of them or a certain -- certain category or type, but I think it's by default, I -- I want to say. That is the URL you land at.

**Q. Oh, okay.****What's AV?**

317

A. And sometimes you --

**Q. Do you know what AV is?**

A. Yeah, sometimes we would put a URL that is mobile-friendly. So if you're using a mobile, the -- the software recognizes it and it'll send you to a mobile URL. But I don't think we might have anything, but -- but that's what it is.

**Q. Okay. Yeah, you have some stuff there.**

**Okay. What are -- what do clicks refer to?**

A. The number of clicks you get. Like if you go to Google and click on an ad, it tells you how many clicks you got on that ad.

**Q. And what's an impression?**

A. An impression is if you -- if you type in "silicone wrist-bands," it'll tell you that a thousand people saw the ad but did not necessarily click the ad.

**Q. Okay. What about AZ?**

A. Click-through is, I think, impression divided by clicks. Sorry. That -- I'm talking about -- yeah, AV. Impressions. I'm sorry. Not impressions.

318

CTR. It's called "click-through rate."

**Q. And what is BA?**

A. Average CPC, average cost per click.

**Q. What about BB?**

A. Total cost.

**Q. Total cost per click --**

A. No. Total --

**Q. -- as opposed to average cost?**

A. Yeah, that's the average cost, but, no, just the total cost. I -- when it says "cost," it's total cost of what we paid, not per click. Just cost in total. So if it was 40 clicks and it was a dollar a click, it would show \$40.

**Q. Okay. And then what does conversion mean?**

A. Conversion says how many people converted on that ad. So if ten people clicked on it, two people converted.

**Q. And so how do you -- is conversion measured in different ways or is conversion always measured by how many people click on an ad?**

A. I mean, there's a lot of ways to

319

measure conversions. It's -- I mean, the way we measure it is simple. How many people click on the ad and how many people transact from that ad.

**Q. Okay. So you measure conversion by how many -- is it the two measures, how people click and then how many people purchase?**

A. That's correct.

**Q. So it's two separate metrics that you track?**

A. We track a lot of metrics, but a conversion, the way we track conversion is if you go on Google and type in "wrist-band" and you click on the ad and then you purchase something, it's considered a conversion. But if you go on Google and don't click on the ad and -- but you find it on the natural listings, it's not considered a conversion.

**Q. Okay. The last thing I want to -- I want to go back to column A where it says "Date Range." And I'm wondering if you can, you know -- this isn't separated by date.**

**Is there a way for these, I guess, keywords, the keywords that were used -- is there a way to tell which ones were used on what date? Is that something Diran could, you know --**

320

1 A. To a certain extent, I think you  
2 can. But I think because of these new privacy  
3 laws, they do not tell you what keywords were  
4 used. But you might -- I'm not much of an expert  
5 into the recent -- I'm pretty good at AdWords, but  
6 in the recent times Diran has been taking over, so  
7 I don't follow it. But I want to say from recent  
8 privacy law changes, I don't think they -- they  
9 issue keywords that customers have clicked on,  
10 exact keywords, but they'll give you a general  
11 idea of what they clicked on.

12 **Q. But what I'm asking is whether**  
13 **or not -- so if you go to column A, you said that**  
14 **this is -- these are the headlines that you get --**

15 A. That's correct.

16 **Q. -- when you put in searches,**  
17 **certain terms, correct?**

18 A. That's correct.

19 **Q. And if we wanted to know what**  
20 **point in time these headlines were being used as**  
21 **hits, could you do that?**

22 A. I don't think so, but I'm not an  
23 expert in that, so I -- I wouldn't know. I don't  
24 think so.

25 **Q. Can you check with your expert,**

321

1 **Diran?**

2 A. Yeah, if you could clarify that  
3 question even further.

4 And Mike, if you could just  
5 notate it.

6 MR. BLANCHARD: Yep.

7 THE WITNESS: Yeah, if you  
8 could.

9 Go ahead.

10 BY MS. SCHAEFER:

11 **Q. Okay. And who pulled this**  
12 **information for you?**

13 A. Maybe Khalil. I don't know.

14 **Q. Okay. So this was another**  
15 **report that you produced, and it's a keyword**  
16 **report, and it was titled "Campaign CSV." And**  
17 **let's just, you know, go through the columns.**

18 **Do you know where --**

19 MR. BLANCHARD: Michelle, again,  
20 can I have a running objection as to  
21 foundation and speculation on this  
22 spreadsheet?

23 MS. SCHAEFER: Yeah.

24 MR. BLANCHARD: Thank you.

25

322

1 BY MS. SCHAEFER:

2 **Q. Okay. So where is -- where is**  
3 **this information coming from?**

4 A. AdWords or Microsoft Bing.

5 **Q. Okay. This is --**

6 A. One of those. I think it's  
7 AdWords, though.

8 **Q. What was the -- the other**  
9 **alternative?**

10 A. Microsoft. Microsoft.

11 **Q. Okay. So let's just -- let's do**  
12 **this, the same thing here. And it looks like**  
13 **there's overlap.**

14 **Okay. So what does A signify?**

15 A. The campaign name.

16 **Q. Okay. And what about campaign**  
17 **state?**

18 A. Campaign stats -- or status, I  
19 think it should say "status." But, yeah, if it  
20 was active or -- or inactive at the time of when  
21 it was pulled, I guess.

22 **Q. Okay. So let's just go through**  
23 **these.**

24 **What does enabled mean?**

25 A. That it's active. Doesn't mean

323

1 necessarily -- doesn't necessarily mean that it's  
2 running, but it's -- it's active.

3 **Q. Paused?**

4 A. What was that?

5 **Q. Paused? Does that -- what does**  
6 **that mean?**

7 A. Paused means it's paused. It's  
8 not running.

9 **Q. Removed? What does removed**  
10 **mean?**

11 A. It's been deleted.

12 **Q. All right. Search -- I mean**  
13 **campaign type?**

14 A. Yeah, just like how I mentioned,  
15 it's just different types of ways you can market  
16 it.

17 **Q. And it's the same as -- it has**  
18 **the same meaning that we saw in the other**  
19 **spreadsheet?**

20 A. Correct.

21 **Q. Do clicks have the seem meaning?**

22 A. Same.

23 **Q. Impressions?**

24 A. Mm-hmm.

25 **Q. CTR, same as the other**

<p>324</p> <p>1 spreadsheet?</p> <p>2 A. Correct.</p> <p>3 Q. In terms of what it means?</p> <p>4 A. Correct.</p> <p>5 Q. Is H -- okay.</p> <p>6 Is H, average cost per click,</p> <p>7 the same?</p> <p>8 A. Correct.</p> <p>9 Q. Meaning -- cost, same meaning?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. And conversions?</p> <p>12 A. Correct.</p> <p>13 Q. All right. And so -- so this,</p> <p>14 there's 1,882.56 conversions?</p> <p>15 A. Correct.</p> <p>16 Q. What does -- what does that</p> <p>17 mean, if you can --</p> <p>18 A. That's --</p> <p>19 Q. -- give an example?</p> <p>20 A. That's how many people converted</p> <p>21 from 41,000 clicks.</p> <p>22 Q. And, again, is that that went to</p> <p>23 the website and --</p> <p>24 A. Yep.</p> <p>25 Q. -- purchased?</p>	<p>326</p> <p>1 A. Yeah, just --</p> <p>2 MR. BLANCHARD: One second.</p> <p>3 Michelle, can we agree to keep</p> <p>4 this deposition confidential? I mean,</p> <p>5 because we're getting into trade secret</p> <p>6 stuff and I would just like that</p> <p>7 agreement.</p> <p>8 MS. SCHAEFER: Sure. I mean,</p> <p>9 you want to keep all of these Google</p> <p>10 spreadsheets or ads spreadsheets</p> <p>11 confidential?</p> <p>12 MR. BLANCHARD: The spreadsheets</p> <p>13 and the testimony about his -- you</p> <p>14 know, their sort of business secrets.</p> <p>15 MS. SCHAEFER: Yeah, that's --</p> <p>16 that's fine.</p> <p>17 THE WITNESS: Yeah, Michelle, to</p> <p>18 your question, the most important thing</p> <p>19 absolutely is our cost.</p> <p>20 BY MS. SCHAEFER:</p> <p>21 Q. Okay.</p> <p>22 MR. BLANCHARD: Same objection</p> <p>23 here, Michelle. Running objection to</p> <p>24 foundation --</p> <p>25 MS. SCHAEFER: Okay.</p>
<p>325</p> <p>1 A. Correct.</p> <p>2 Q. Both?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. I see.</p> <p>5 So they're combined in that</p> <p>6 column?</p> <p>7 A. Yeah, I don't know what date is</p> <p>8 referring to, but, yeah, that's -- that's what it</p> <p>9 means. It's 41,000 people clicked. There were</p> <p>10 4.2 million that saw the ad but did not click on</p> <p>11 the ad. The convers- -- the click-through rate</p> <p>12 was .95. I think it's dividing impressions by</p> <p>13 clicks. You have your cost and you have your</p> <p>14 conversion, the number of people that converted,</p> <p>15 and then you have, yeah, the view-through, click.</p> <p>16 Q. Okay. What -- like from all of</p> <p>17 these metrics, which one for Zaappaaz is the most</p> <p>18 meaningful in terms of whether an ad is lucrative?</p> <p>19 A. Everything is meaningful to a --</p> <p>20 to a statistician. I mean, if you -- I mean,</p> <p>21 these are all important data points that we use to</p> <p>22 see if we're profitable or where we need to adjust</p> <p>23 our ads.</p> <p>24 Q. Are there ones that are more</p> <p>25 important than others that...</p>	<p>327</p> <p>1 MR. BLANCHARD: -- speculation.</p> <p>2 Thanks.</p> <p>3 BY MS. SCHAEFER:</p> <p>4 Q. Okay. Well, let's start for --</p> <p>5 let's say F, columns F through O, are those going</p> <p>6 to have the same meaning as the other spreadsheets</p> <p>7 we just went through?</p> <p>8 A. Yeah, I mean, if they're -- if</p> <p>9 they're the same text headers, yeah. I think some</p> <p>10 are different, but -- okay.</p> <p>11 Q. Well, which ones are different?</p> <p>12 A. I don't know what is -- J says</p> <p>13 something else in parentheses. I don't know what</p> <p>14 that's -- what that says.</p> <p>15 Q. J. Oh, okay. J.</p> <p>16 A. Yeah, I don't know what absolute</p> <p>17 top percent means or top percent means, but...</p> <p>18 Q. Okay. But the rest, L, M, N, O,</p> <p>19 is the same? Conversion --</p> <p>20 A. I don't -- I don't think you had</p> <p>21 an N in your other sheets, but it's --</p> <p>22 Q. Okay. Let's see.</p> <p>23 A. -- pretty self-explanatory.</p> <p>24 Q. Okay. All right.</p> <p>25 Let's look at A and B. So what</p>

<p style="text-align: right;">328</p> <p>1 is A?</p> <p>2 A. A, those are search terms that</p> <p>3 Google is telling us that are probably not the</p> <p>4 exact search terms, but in the ballpark of what</p> <p>5 customers searched.</p> <p>6 <b>Q. So these are the search terms</b></p> <p>7 <b>customers are putting into Google?</b></p> <p>8 A. Not exactly, but pretty close.</p> <p>9 <b>Q. And -- okay.</b></p> <p>10 <b>So Google can provide you</b></p> <p>11 <b>with -- Google prov- -- does Google provide you</b></p> <p>12 <b>with this information?</b></p> <p>13 A. Correct.</p> <p>14 <b>Q. All right. What -- what about</b></p> <p>15 <b>B?</b></p> <p>16 A. So search term type means</p> <p>17 depending on how you want to advertise a certain</p> <p>18 product. So we could tell it -- tell Google that,</p> <p>19 hey, only give -- show my ads to people that type</p> <p>20 in exactly this term, or show my ads if it's this</p> <p>21 term but take it a little broader. So if they</p> <p>22 type in "silicone wrist-bands," if they -- my term</p> <p>23 is "silicone wrist-bands" but if someone types in</p> <p>24 "red silicone wrist-bands," then go ahead and put</p> <p>25 that -- put that in as one of my terms as well.</p>	<p style="text-align: right;">330</p> <p>1 A. Have you got that?</p> <p>2 MR. BLANCHARD: Yeah.</p> <p>3 THE WITNESS: I mean, I'll try</p> <p>4 to find --</p> <p>5 BY MS. SCHAEFER:</p> <p>6 <b>Q. And I'll follow up with Mike.</b></p> <p>7 A. Yeah, I think that's -- that</p> <p>8 would be an extensive report, but -- I don't know</p> <p>9 if they can do that, but -- but we will request</p> <p>10 it, no problem.</p> <p>11 <b>Q. Okay. I mean, I think the</b></p> <p>12 <b>question is can this be done --</b></p> <p>13 A. Yeah.</p> <p>14 <b>Q. -- is the first question.</b></p> <p>15 A. Yeah.</p> <p>16 <b>Q. And then what has to be done to</b></p> <p>17 <b>get the dates. And then --</b></p> <p>18 A. Yeah, we can do that.</p> <p>19 <b>Q. -- we can go from there.</b></p> <p>20 A. Okay.</p> <p>21 <b>Q. Okay. Last spreadsheet you</b></p> <p>22 <b>produced.</b></p> <p>23 MR. BLANCHARD: And the same</p> <p>24 running objection, okay, Michelle?</p> <p>25 Form and -- I mean -- sorry.</p>
<p style="text-align: right;">329</p> <p>1 That -- that's what broad means.</p> <p>2 <b>Q. Okay. Let's see what our</b></p> <p>3 <b>options are here. Broad, exact.</b></p> <p>4 <b>What does phrase mean?</b></p> <p>5 A. Phrase means like "I love soccer</p> <p>6 wrist-bands," so it will take a little phrase -- I</p> <p>7 can put a phrase as a keyword.</p> <p>8 <b>Q. Okay. Okay.</b></p> <p>9 <b>And I -- where did this</b></p> <p>10 <b>information come from? I can't remember if I</b></p> <p>11 <b>asked you this.</b></p> <p>12 A. Google.</p> <p>13 <b>Q. And did Diran pull this</b></p> <p>14 <b>information?</b></p> <p>15 A. Someone did. I don't know who</p> <p>16 pulled it.</p> <p>17 (Marked Exhibit 32.)</p> <p>18 BY MS. SCHAEFER:</p> <p>19 <b>Q. Okay. And I'm going to ask</b></p> <p>20 <b>again for this exhibit, Zaappaaz 32 and the</b></p> <p>21 <b>previous one, Zaappaaz 32, if you can touch base</b></p> <p>22 <b>with Diran and see if he can segment this by dates</b></p> <p>23 <b>so we know what search terms are -- you know, what</b></p> <p>24 <b>hits were being used or obtained when.</b></p> <p>25 <b>Okay?</b></p>	<p style="text-align: right;">331</p> <p>1 Speculation and foundation.</p> <p>2 BY MS. SCHAEFER:</p> <p>3 <b>Q. Okay. So this file is called</b></p> <p>4 <b>"Microsoft Campaign."</b></p> <p>5 MR. BLANCHARD: Michelle, same</p> <p>6 running objection to foundation and</p> <p>7 speculation?</p> <p>8 MS. SCHAEFER: Okay.</p> <p>9 BY MS. SCHAEFER:</p> <p>10 <b>Q. So where does this information</b></p> <p>11 <b>coming from?</b></p> <p>12 A. Microsoft.</p> <p>13 <b>Q. And who pulled it?</b></p> <p>14 A. Maybe Diran. Maybe Khalil. I</p> <p>15 don't know.</p> <p>16 <b>Q. Okay. All right.</b></p> <p>17 <b>So let's go through these.</b></p> <p>18 <b>Account name, what's that?</b></p> <p>19 A. The account name.</p> <p>20 <b>Q. Okay. Campaign name?</b></p> <p>21 A. Same purpose.</p> <p>22 <b>Q. The name of the -- is it the</b></p> <p>23 <b>name of the campaign?</b></p> <p>24 A. Correct, mm-hmm.</p> <p>25 <b>Q. Okay. What's ad distribution?</b></p>

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1 A. It's the same purpose as the  
2 other one. I think they call it "ad type." This  
3 calls it "ad distribution."

4 **Q. What's audience?**

5 A. Audience is very similar to --  
6 Google has it as well. I don't know what it --  
7 what it's called in Google. But you just  
8 basically say that you want to target 18- to  
9 30-year-olds and you just pick an audience, or if  
10 you just want to target, I don't know, people in  
11 Texas. It's -- it's just an audience that you  
12 create.

13 **Q. Okay. What's quality score?**

14 A. Quality score is how accurate or  
15 how relevant your ad is based on what people are  
16 searching for. So if you type in "silicone  
17 wrist-bands" and your ad says "dog food," your  
18 quality score would not be so good.

19 **Q. And are these -- what's a high  
20 score? Because here you only have nines and  
21 tens --**

22 A. Yeah.

23 **Q. -- so is that good or bad?**

24 A. Yeah, the more -- the higher the  
25 score, the cheaper your ad is.

333

1 **Q. So the higher the score, the  
2 cheaper your ad is?**

3 A. That's correct.

4 **Q. And is it the higher the score,  
5 the --**

6 A. The better.

7 **Q. I thought -- so let me back up  
8 because I -- now I'm confused.**

9 **I thought you said the quality  
10 score measures how much of a match you get?**

11 A. No. How -- how relevant your ad  
12 is to your keyword.

13 **Q. And where are the keywords?**

14 A. Yeah, it doesn't work like that.  
15 It's just relevant to --

16 **Q. Okay.**

17 A. -- how well your ad is to what  
18 you are -- what you are marketing.

19 So if you're marketing silicone  
20 wrist-bands and your headline one, headline two,  
21 headline three says "providing dog food," you  
22 wouldn't get a very high quality score.

23 **Q. Okay. And it would be low? And  
24 you said the higher, the cheaper the ad?**

25 A. Yeah, because, I mean, Google

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1 and Microsoft are in the business of providing  
2 very relevant -- very relevant searches to its  
3 users. So if you're going to be providing  
4 poor-quality searches, you're going to be paying  
5 much higher prices because Google really doesn't  
6 want to provide you -- provide the user a bad  
7 experience on search results. So most likely if  
8 it's a -- if it's a one, two, or three, your ads  
9 will not even show unless you're paying an  
10 exuberant price.

11 **Q. So you guys do very well.  
12 Is ten the top?**

13 A. It's not -- it's not rocket  
14 science. I think it's -- it's -- I mean, I think  
15 Google is just -- it's just a metric there just to  
16 say that if you have a one or two, then you  
17 probably are doing something wrong. I think  
18 that's all it is. It's not, like, rare to get a  
19 nine or ten. Let's put it that way.

20 **Q. Okay. But does nine or ten  
21 mean, like, you're killing it out there with your  
22 ads?**

23 A. No. I mean, if anybody is doing  
24 AdWords and they know what they're doing, they  
25 should be getting a nine or ten. I mean, it's as

335

1 simple as if you're marketing -- if you're  
2 marketing wrist-bands, then you just want to make  
3 sure your ad says "wrist-bands." I mean, it's --  
4 it's as simple as that. If -- there's not much --  
5 really a secret behind it. Let's put it that way.  
6 But it doesn't necessarily mean we're killing it.  
7 It just means that our ad is relevant to our  
8 keywords or -- or what we're marketing.

9 **Q. Okay. Is there a way to know  
10 what keywords were used for these campaigns with  
11 respect to Microsoft advertising?**

12 A. It's possible. I -- I honestly  
13 do not even monitor Microsoft ads. It's probably  
14 four, five percent of our budget, so I -- I don't  
15 monitor it. But, I mean, that's a question we  
16 could ask Diran.

17 **Q. Okay. All right.**

18 **Let's just go through -- okay.  
19 Impressions, what is that?**

20 A. It's the same thing as  
21 previously.

22 **Q. Clicks?**

23 A. Same. I think all --

24 **Q. CTR? Is all of this --**

25 A. Yeah, spend is -- yeah, same



336

1 thing. I think spend is interchangeable with the  
2 word "cost" from Google. I don't know what that  
3 says all the way --

4 **Q. Top impression. The -- I**  
5 **think -- I can't -- I think it says "top" -- I**  
6 **can't -- I'm trying to...**

7 A. Yeah, I don't know what top  
8 impression is. Maybe it's how many times it's  
9 been showing on the top of the page.

10 **Q. I don't know what I did here.**  
11 **Okay. I did something weird here, but -- all**  
12 **right.**

13 **Okay. Well, I don't see**  
14 **conversion, though.**

15 A. It's there. Conversion rate.

16 **Q. Oh, the conversion rate, but...**

17 A. L and -- L and M.

18 **Q. I don't know what I've done to**  
19 **this chart, but it's okay because --**

20 A. Yeah, if you -- if you go to the  
21 top left -- if you go to the top left, there's,  
22 like, a back arrow. If you just press it twice, I  
23 think it should readjust. Yeah, there you go.

24 **Q. Oh, there we go. Yeah. Okay.**

25 A. I need to go to the restroom,

337

1 but I'm trying to pull it off until...

2 **Q. I have --**

3 MR. BLANCHARD: Hey, Michelle,  
4 can we take a quick restroom break?

5 MS. SCHAEFER: Yeah, sure.

6 MR. BLANCHARD: All right.

7 Thanks.

8 (Off the record from 1:16 until  
9 1:23.)

10 BY MS. SCHAEFER:

11 **Q. So let me share my screen.**

12 **Does everyone see my screen?**

13 A. Yes.

14 **Q. Okay. So I'm looking back at**  
15 **Exhibit Zaappaaz 30, which was the Omnisend**  
16 **spreadsheet, but I had forgotten to go to sheet**  
17 **one.**

18 **What are these ads that appear**  
19 **on sheet one?**

20 A. Where are the ads? Is that what  
21 you're asking?

22 **Q. What are -- what are they? Are**  
23 **they ads?**

24 A. They're email marketings, so you  
25 would get it in your email.

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1 **Q. So are these the email marketing**  
2 **that you would attach to these emails?**

3 A. Correct. Well, it wouldn't get  
4 attached. It's like you would just see it on your  
5 email if your emails allowed it, but, yes.

6 **Q. Okay. Is there a way to break**  
7 **down these by date?**

8 A. I mean, you could -- I guess it  
9 could be proposed. I don't know how -- how their  
10 software works, but we could definitely give it a  
11 shot.

12 **Q. Okay. All right. That's what I**  
13 **wanted to know.**

14 **And one more question. Are**  
15 **these all of the email ads that were run in all of**  
16 **these?**

17 A. Yeah. I -- there were -- these  
18 were just -- these were set up automatically, so  
19 they were just running just every other day or  
20 every three days or something, whatever we set the  
21 trigger to. It was just automated.

22 **Q. So all of these different -- I'm**  
23 **going to call them "email campaigns," were**  
24 **automated?**

25 A. Yeah. You probably saw -- like,

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1 you can probably see they probably repeat over and  
2 over, probably the same pattern, maybe two.

3 **Q. So you'll -- you're saying that**  
4 **if you, like, would scroll down, you'll start**  
5 **seeing patterns of repetition?**

6 A. Mm-hmm, correct.

7 **Q. Okay. So the spreadsheets that**  
8 **we just went over, they were produced to us**  
9 **because the judge ordered that advertisements and**  
10 **ad reports and search term reports and marketing**  
11 **plans be produced.**

12 **Do you know, who searched for**  
13 **those documents?**

14 A. Diran. I searched for some  
15 documents. Khalil might have searched for some  
16 documents. Let's just say the whole team.

17 **Q. Where did you search for**  
18 **documents?**

19 A. On the -- on the relevant  
20 channels that I was told to search for, AdWords.

21 **Q. What --**

22 MR. BLANCHARD: Don't think  
23 about things you and I discussed.  
24 Okay?

25 THE WITNESS: Yeah.

<p style="text-align: right;">340</p> <p>1 BY MS. SCHAEFER:</p> <p>2 <b>Q. So did you search on AdWords?</b></p> <p>3 A. I did.</p> <p>4 <b>Q. Did you search any other</b></p> <p>5 <b>platforms?</b></p> <p>6 A. Just AdWords, I would say.</p> <p>7 <b>Q. Where did Khalil search?</b></p> <p>8 A. I don't know.</p> <p>9 <b>Q. Where did Diran search?</b></p> <p>10 A. I don't know.</p> <p>11 <b>Q. I didn't hear an answer.</b></p> <p>12 MR. BLANCHARD: Michelle, we</p> <p>13 searched for every platform where PPE</p> <p>14 was marketed.</p> <p>15 MS. SCHAEFER: Okay. Well, I'm</p> <p>16 asking the witness where he searched.</p> <p>17 MR. BLANCHARD: Okay.</p> <p>18 MS. SCHAEFER: And where his</p> <p>19 employees and contractors searched.</p> <p>20 BY MS. SCHAEFER:</p> <p>21 <b>Q. So where did Khalil search?</b></p> <p>22 A. I don't know where Khalil</p> <p>23 searched.</p> <p>24 <b>Q. Where did Diran search?</b></p> <p>25 A. I don't know where Diran</p>	<p style="text-align: right;">342</p> <p>1 <b>your actual advertisements?</b></p> <p>2 A. The -- that -- I don't</p> <p>3 understand. I'm sorry.</p> <p>4 <b>Q. So, I mean, I -- here I saw</b></p> <p>5 <b>search terms and I saw some email headers. And</b></p> <p>6 <b>then I actually did see with the Omnisend in sheet</b></p> <p>7 <b>one actual ads, and that's what I'm classifying as</b></p> <p>8 <b>actual advertisements in terms of this question.</b></p> <p>9 <b>So are you able to pull up all</b></p> <p>10 <b>of those different advertisements that you've run</b></p> <p>11 <b>over time from March 2020 onward?</b></p> <p>12 MR. BLANCHARD: Objection.</p> <p>13 Lacks foundation. Objection.</p> <p>14 Misstates prior testimony.</p> <p>15 THE WITNESS: I would assume so,</p> <p>16 yeah.</p> <p>17 BY MS. SCHAEFER:</p> <p>18 <b>Q. Okay.</b></p> <p>19 MR. BLANCHARD: I think there's</p> <p>20 some misunderstanding, Michelle, about</p> <p>21 what constitutes an advertisement. Can</p> <p>22 I explain?</p> <p>23 MS. SCHAEFER: Sure.</p> <p>24 MR. BLANCHARD: So an AdWord,</p> <p>25 that is the advertisement. So when you</p>
<p style="text-align: right;">341</p> <p>1 searched.</p> <p>2 <b>Q. What kind of -- where do you</b></p> <p>3 <b>house your advertising documents?</b></p> <p>4 A. Within the platforms.</p> <p>5 <b>Q. And can -- tell me what the</b></p> <p>6 <b>different platforms are again, where you have</b></p> <p>7 <b>information.</b></p> <p>8 A. AdWords. Microsoft. And, I</p> <p>9 mean, if you want to know all -- like, if you want</p> <p>10 to know Facebook, then Facebook would have its</p> <p>11 own. ASI would have its own. But, yes.</p> <p>12 <b>Q. And --</b></p> <p>13 A. And Omnisend.</p> <p>14 <b>Q. -- you're able to --</b></p> <p>15 A. Omnisend.</p> <p>16 <b>Q. -- access -- I'm sorry.</b></p> <p>17 <b>I didn't mean to interrupt.</b></p> <p>18 <b>What was that?</b></p> <p>19 A. I just didn't want to miss out.</p> <p>20 Omnisend is the other one.</p> <p>21 <b>Q. Okay. And you're able to access</b></p> <p>22 <b>those platforms and generate reports? Are you</b></p> <p>23 <b>able to access platforms and generate reports?</b></p> <p>24 A. A hundred percent, yeah.</p> <p>25 <b>Q. Are you able to access all of</b></p>	<p style="text-align: right;">343</p> <p>1 run a search, you know, that is the ad.</p> <p>2 So that's just a -- you know, a couple</p> <p>3 lines of text, though.</p> <p>4 MS. SCHAEFER: Right.</p> <p>5 BY MS. SCHAEFER:</p> <p>6 <b>Q. And so let me ask,</b></p> <p>7 <b>Mr. Makanojiya, other than those -- you know, the</b></p> <p>8 <b>email marketing, the -- the AdWords campaigns that</b></p> <p>9 <b>you use, are there any other ads that you run?</b></p> <p>10 A. During that period, I don't</p> <p>11 think so. But we did start text ads, like</p> <p>12 texting. I don't think it started around that</p> <p>13 time, though.</p> <p>14 <b>Q. When did -- when did texting</b></p> <p>15 <b>start?</b></p> <p>16 A. I don't know.</p> <p>17 <b>Q. Was it -- I mean, what period of</b></p> <p>18 <b>time? Was it 2020?</b></p> <p>19 A. Yeah. I think if you -- if I</p> <p>20 had to make a guess, I think it's after the period</p> <p>21 that we're talking about, the -- the time frame.</p> <p>22 <b>Q. And what time frame are we</b></p> <p>23 <b>talking about?</b></p> <p>24 A. March 2020, December 2020.</p> <p>25 <b>Q. And so from March 2020 to</b></p>

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1 **December 2020, you were not using text?**

2 A. To my -- to the best of my  
3 knowledge, we were not using text marketing.

4 **Q. What about banner ads on  
5 websites?**

6 A. On whose website? My website?

7 **Q. Not on your websites, but on  
8 advertising through banner adver- --  
9 advertisements on other websites?**

10 A. We don't do it.

11 **Q. Is that...**

12 MS. SCHAEFER: Okay. So I'm  
13 going to mark this -- I have the next  
14 exhibit as 35. Is that correct?

15 MR. BLANCHARD: I'm not sure. I  
16 think...

17 MS. COLLESANO: That's what I  
18 have, Michelle.

19 MS. SCHAEFER: You have that?  
20 Okay.

21 Okay. So I'm marking this  
22 Zaappaaz 35.

23 (Marked Exhibit 35.)

24 BY MS. SCHAEFER:

25 **Q. Okay. So what is this?**

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1 MR. BLANCHARD: Objection.  
2 Foundation. Speculation.

3 THE WITNESS: Google My  
4 Business is -- let's say if you type in  
5 "McDonald's," you know how you get  
6 those listings of what McDonald's are  
7 located at which location? So if  
8 you're locally in that area, it would  
9 show you Wrist-Band.com and then it'll  
10 show you our ratings, it'll show you  
11 what we offer. It's like that. It's a  
12 listing with our address on it.

13 If you type in Google and you  
14 type "McDonald's," which is the most  
15 easiest example, it'll show you a list  
16 of all the McDonald's and the listings,  
17 and that's basically what this is. And  
18 how many people clicked on locally --  
19 or not clicked on, how many people  
20 viewed it.

21 BY MS. SCHAEFER:

22 **Q. And when you say -- how many  
23 people viewed what?**

24 A. The listing. This is not -- I  
25 don't believe this is related to anything with

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1 ads. This is just showing how many people  
2 locally -- like, for example, if you see, one of  
3 the keywords I guess is "wrist-band, Sugar Land,  
4 Texas." It was used by 149 people, and they saw  
5 our address and our name because they were located  
6 in that area or they searched specifically  
7 "Sugar Land, Texas."

8 **Q. And do these kinds of reports  
9 exist for, you know, covered products? Would you  
10 get hits for covered products from a report like  
11 this?**

12 A. I think we did provide reports  
13 for covered products. It's -- you just got to go  
14 through the AdWords Excel sheet. But, yeah,  
15 it's -- it should be there.

16 **Q. Oh.**

17 A. Yeah.

18 **Q. But what I'm saying is, do you  
19 get business -- Google My Business reports like  
20 this that include search queries related to  
21 covered products?**

22 A. No. Like, if you type in "face  
23 mask," it's not going to show up here because  
24 you're not searching for a company. You're --  
25 like, if you look at these keywords, this is like

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1 they're searching for a specific company like  
2 wrist-bands. So Google My Business is giving you  
3 a business that is -- that you're trying to look  
4 for, not a -- specifically a product.

5 **Q. Okay. What is MailChimp?**

6 A. Email marketing. It's the same  
7 thing as Omnisend, very similar.

8 **Q. Do you use MailChimp as well?**

9 A. We used to use it. I don't know  
10 if it was used in any form or fashion, but maybe  
11 it -- it had services, a very minor use for it.

12 **Q. What about Marketing Marvel?  
13 What's that?**

14 A. That is -- that is Diran's  
15 company.

16 **Q. Oh, okay.**

17 **So Diran -- is it -- does Diran  
18 own Marketing Marvel or --**

19 A. I don't know his structure.  
20 I -- I would assume so. I don't know how his --  
21 how he's structured, though.

22 **Q. Okay. So when you say "Diran,"  
23 the ser- -- when we talked about the services  
24 Diran was providing, that's services Marketing  
25 Marvel was providing?**

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1 A. Yeah, I guess.  
 2 **Q. Okay. I've marked Zaappaaz 36.**  
 3 **(Marked Exhibit 36.)**  
 4 BY MS. SCHAEFER:  
 5 **Q. What is Shopper Approved?**  
 6 A. It's our rating platform. It's  
 7 a third-party rating platform.  
 8 **Q. And how do consumers access it?**  
 9 A. So you place an order on our  
 10 website, we give Shopper Approved the email  
 11 address. Shopper Approved as a third-party  
 12 company sends you an email, how did we perform,  
 13 yeah.  
 14 **Q. And so when a -- and then a**  
 15 **consumer replies, and does the response get sent**  
 16 **directly to you?**  
 17 A. On their platform. I mean, we  
 18 don't -- we don't get emails for it, but it's just  
 19 something that stays on their platform.  
 20 **Q. So here it looks like, though,**  
 21 **that Shopper Approved sends the email to you.**  
 22 **Is that --**  
 23 A. On some reviews, yes. We have  
 24 metrics on some reviews. Very negative reviews,  
 25 we do get emails. Not all of them.

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1 **Q. And when you have bad reviews,**  
 2 **are they automatically sent to you?**  
 3 MR. BLANCHARD: Objection.  
 4 Speculation. Foundation.  
 5 THE WITNESS: There's a certain  
 6 threshold. I think if it's below a  
 7 three or something. I don't know what  
 8 the -- the threshold is set, but  
 9 there's a threshold, yes.  
 10 BY MS. SCHAEFER:  
 11 **Q. And otherwise you have to go**  
 12 **access the platform to see reviews?**  
 13 A. If you wanted to, but we -- we  
 14 really don't. I mean, we get a lot of reviews on  
 15 a daily basis. But, yeah, if you really wanted to  
 16 see all of the reviews, you would have to go to  
 17 their platform and see it.  
 18 **Q. And did you just say you get**  
 19 **numerous emails on a daily basis?**  
 20 A. We get numerous reviews on a  
 21 daily basis.  
 22 **Q. Okay. Not necessarily emails,**  
 23 **though, just reviews on this platform --**  
 24 A. Correct.  
 25 **Q. -- is that right?**

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1 A. Correct.  
 2 **Q. Okay. And who -- and who at the**  
 3 **company would be the person that would actually go**  
 4 **and look at the reviews?**  
 5 A. Nobody. I mean, if it's a  
 6 negative review, it would go to -- it would just  
 7 go to our sales email or -- and also be followed  
 8 up that way. They would review it and follow up  
 9 with the customer. But, no, I don't think anybody  
 10 goes and specifically reads each review.  
 11 **Q. Okay. So what kind of email is**  
 12 **this? Why is this email being sent to Mike at**  
 13 **Wrist-Band.com?**  
 14 MR. BLANCHARD: Objection.  
 15 Calls for speculation. Lack of  
 16 foundation.  
 17 THE WITNESS: I don't know if  
 18 we're looking at the same email. It  
 19 seems like this is going to Azim M.  
 20 BY MS. SCHAEFER:  
 21 **Q. Oh, hold on a minute. I didn't**  
 22 **mark it.**  
 23 A. Oh, there you go.  
 24 **Q. This is 37. I'm sorry.**  
 25

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1 (Marked Exhibit 37.)  
 2 BY MS. SCHAEFER:  
 3 **Q. Okay.**  
 4 A. Okay.  
 5 **Q. So this review, as opposed to**  
 6 **the other one, comes from Wrist-Band.com. And I'm**  
 7 **wondering how this is different than the Shopper**  
 8 **Approved review.**  
 9 A. Yeah, this is -- this is just an  
 10 email that's just sent. We -- if they don't click  
 11 on the link that Shopper Approved sends and they  
 12 reply to the email, it'll just come in as, like,  
 13 this. But the customer didn't follow, I guess,  
 14 the proper protocols of following the link and  
 15 submitting the review there. They just replied to  
 16 the email, and this is what came.  
 17 **Q. Okay. I just -- I want to go**  
 18 **through three more exhibits, and I then -- I think**  
 19 **then maybe we should a quick or a -- a lunch break**  
 20 **and then reconvene and go over the spreadsheet.**  
 21 **Does that sound okay?**  
 22 MR. BLANCHARD: Yeah, our lunch  
 23 is here, so, I mean...  
 24 MS. SCHAEFER: Okay. This  
 25 should be quick.



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1 BY MS. SCHAEFER:

2 **Q. Okay. This is 38.**  
3 **(Marked Exhibit 38.)**

4 BY MS. SCHAEFER:

5 **Q. Is this Zaappaaz's return**  
6 **policy?**

7 MR. BLANCHARD: Objection. Lack  
8 of foundation.

9 THE WITNESS: If that's what it  
10 is on the website, that is what it is,  
11 yes.

12 BY MS. SCHAEFER:

13 **Q. So the current return policy is**  
14 **on the website?**

15 A. The current return policy is --  
16 I don't -- I don't think we've changed our policy  
17 in any way for a while.

18 **Q. Have you changed your policy,**  
19 **your return policy, your written return policy,**  
20 **since March 2020?**

21 A. Absolutely. On -- on the --

22 **Q. Okay. When did --**

23 A. -- website?

24 **Q. -- you change it?**

25 A. On the website?

354

1 **Okay. I've marked this as**  
2 **Exhibit 39.**

3 **(Marked Exhibit 39.)**

4 BY MS. SCHAEFER:

5 **Q. And I know it's hard to read.**

6 **How is -- this says "Return**  
7 **Procedure." Is this the current return procedure?**

8 A. I -- I can't read it. I don't  
9 know what it -- what it says, but...

10 **Q. Okay. Let me ask you this: Has**  
11 **the return procedure page on your website changed**  
12 **since March 2020?**

13 A. Maybe, maybe not. I'm not sure.

14 **Q. Who would know that?**

15 A. I mean, we could -- I don't know  
16 who would know that. We could probably just check  
17 it on the website and, you know, that would be the  
18 answer. But I don't -- I mean, maybe -- maybe  
19 Khalil.

20 **Q. And tell me again, who's**  
21 **responsible for updating, doing the mechanical**  
22 **updating on the website?**

23 A. Priyank is.

24 **Q. And who's responsible for the**  
25 **substance of edits?**

353

1 **Q. Yeah.**

2 A. I don't think we changed  
3 anything in terms of the policy on the website,  
4 but in terms of procedures, we have.

5 **Q. Okay. I'm asking -- I'm sorry.**  
6 **I'm asking, did you change**  
7 **anything since March 2020 with respect to the**  
8 **return policy on the website?**

9 A. I -- I don't know. This might  
10 be a generic return policy, but we also have a  
11 policy on PPE products as well, which was also  
12 mentioned, I believe, in each PPE product's...

13 **Q. Hold on. Say that again.**

14 A. This is a generic return policy  
15 that's on the website, but within each product, if  
16 there was an additional inclusion such as PPE  
17 products, it did list it on the product page.

18 **Q. And I'm -- what did it list on**  
19 **the product page for PPE?**

20 A. If there was an additional  
21 return policy that we had. That was more of a --  
22 a generic -- this is more of a broad policy. But  
23 if there was even more fine-tuned to a specific  
24 product, it would be on the product page.

25 **Q. Okay.**

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1 A. Fatima, Eroze, Khalil, me.

2 **Q. Oh, so that's interesting.**  
3 **Fatima and Eroze, what's their**  
4 **involvement in your website?**

5 A. Well, I mean, they're our CSRs.  
6 So if they're facing issues of customers having  
7 some problems such as -- for example, one issue  
8 that we were facing five, six years ago, customers  
9 were approving the proof late, which was causing  
10 us to pay additional shipping. So if you ordered  
11 a wrist-band today and you approved the proof  
12 three days later, we were three days behind  
13 already because the customer did not approve the  
14 proof.

15 So what we put in our policies  
16 or what they put in the policies is your order --  
17 your order delivery date will be pushed based on  
18 your approval of your proof. So I guess it kind  
19 of plays hand in hand in the departments that they  
20 play in, wherever the -- wherever the necessary  
21 updates need to be made.

22 **Q. Okay.**

23 **(Marked Exhibit 40.)**

24 BY MS. SCHAEFER:

25 **Q. I'm just going to ask you the**



<p style="text-align: right;">356</p> <p>1 same question.</p> <p>2 Are these the current terms and</p> <p>3 conditions?</p> <p>4 A. Exhibit 39?</p> <p>5 Q. 40.</p> <p>6 Do you not see it?</p> <p>7 A. No, I don't.</p> <p>8 From my knowledge, I don't think</p> <p>9 the terms and conditions have drastically changed.</p> <p>10 So if --</p> <p>11 Q. Since March 2020?</p> <p>12 A. -- you're asking me -- yeah.</p> <p>13 If you're asking me if there's</p> <p>14 some changes to it, possibly. I don't know, but</p> <p>15 it's -- probably an easy way to figure it out,</p> <p>16 but, yeah.</p> <p>17 Q. And would the Khans also have a</p> <p>18 role in substantive changes in the terms and</p> <p>19 conditions to the extent they were necessary?</p> <p>20 A. Who?</p> <p>21 Q. The Khans, Eroze and Fatima?</p> <p>22 A. They would -- they would not be</p> <p>23 able to update it themselves. They would relay it</p> <p>24 to Priyank, and if it's --</p> <p>25 Q. So they --</p>	<p style="text-align: right;">358</p> <p>1 do you guys want to take a lunch break?</p> <p>2 MR. BLANCHARD: Let's do</p> <p>3 30 minutes.</p> <p>4 MS. SCHAEFER: Okay. All right.</p> <p>5 So we will reconvene at around 2:20.</p> <p>6 MR. BLANCHARD: Thanks.</p> <p>7 MS. SCHAEFER: Okay. Thanks.</p> <p>8 (Off the record from 1:51 until</p> <p>9 2:29.)</p> <p>10 MS. SCHAEFER: This is going to</p> <p>11 be marked as Zaappaaz Exhibit 41.</p> <p>12 (Marked Exhibit 41.)</p> <p>13 BY MS. SCHAEFER:</p> <p>14 Q. Before I ask you questions about</p> <p>15 this exhibit, though, did you ever charter a plane</p> <p>16 from Asia to the U.S. with PPE during the</p> <p>17 pandemic?</p> <p>18 A. We did.</p> <p>19 Q. When was that?</p> <p>20 A. I don't know the time. If I had</p> <p>21 to estimate, April, May, something like that.</p> <p>22 Q. And why did you charter a plane?</p> <p>23 A. At this time, we're basically</p> <p>24 understanding that the pandemic is -- is something</p> <p>25 new to everyone. Every company is adjusting.</p>
<p style="text-align: right;">357</p> <p>1 A. -- a minor change -- yeah, they</p> <p>2 would -- Priyank would do it.</p> <p>3 If it -- if Fatima and Eroze</p> <p>4 told Priyank to put something like "We are not</p> <p>5 offering wrist-bands from today onwards," that</p> <p>6 would alarm him and he would reach out to me. I</p> <p>7 mean, I'm just trying to give you an example.</p> <p>8 Like, if he said -- if he said something like "If</p> <p>9 a customer complains about a red wrist-band, we</p> <p>10 need to put in there that the color cannot be</p> <p>11 matched exactly a hundred percent," Priyank would</p> <p>12 execute on that transaction.</p> <p>13 Q. So he uses his ju- -- does he</p> <p>14 use his judgment to determine when he has to reach</p> <p>15 out to you to get approval to make the Khans'</p> <p>16 changes?</p> <p>17 A. Yes. Priyank is a -- yeah,</p> <p>18 he's -- he's been with me for -- from the start of</p> <p>19 the company. He's pretty familiar as to the roles</p> <p>20 and responsibility that he has.</p> <p>21 Q. So he's been working with you</p> <p>22 since you founded the company?</p> <p>23 A. Pretty much, yeah.</p> <p>24 Q. Okay.</p> <p>25 MS. SCHAEFER: All right. Well,</p>	<p style="text-align: right;">359</p> <p>1 Every company is making new rules. Every customs</p> <p>2 is making new rules. We needed to bypass the</p> <p>3 third-party layers such as FedEx and UPS and take</p> <p>4 control over -- over the shipment of products, so</p> <p>5 we essentially just got a plane and stuffed it in</p> <p>6 with all the stuff and brought it over to the U.S.</p> <p>7 Q. How many times did you charter</p> <p>8 the plane?</p> <p>9 A. One and -- one-and-a-half times.</p> <p>10 The half time is when we shared a plane.</p> <p>11 Q. Okay. When was that?</p> <p>12 A. Around the same time.</p> <p>13 Q. Who did you share a plane with?</p> <p>14 A. I don't know.</p> <p>15 Q. Who arranged for the plane?</p> <p>16 A. It was brokered through FedEx.</p> <p>17 Q. And did they arrange for the</p> <p>18 splitting of a plane?</p> <p>19 A. I mean, we asked for how much --</p> <p>20 how much space was available. We took half --</p> <p>21 whatever space was available, which is about half</p> <p>22 the plane.</p> <p>23 Q. And do you -- do you or anyone</p> <p>24 else at Zaappaaz know who you shared it with?</p> <p>25 A. No, I don't think so. I don't</p>

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1 think we -- we never needed to ask that. If  
2 you're asking if the other shared company is  
3 related to us, no, they're not. But, yeah, it was  
4 just -- it was space allocation we did.

5 **Q. And who chartered the plane and**  
6 **a half? Is it Ionized or Zaappaaz?**

7 A. These were two different  
8 instances. The first plane that we chartered was  
9 completely our plane. We chartered it. We -- we  
10 brokered it through FedEx.

11 **Q. And when you say "our plane,"**  
12 **who is -- who are you referring to by "our"?**

13 A. Zaappaaz or Ionized, however you  
14 want to consider it. But, I mean, it was goods,  
15 PPE goods.

16 **Q. And where did the plane -- the**  
17 **plane delivered the goods where?**

18 A. I believe in Chicago or -- it  
19 was -- it was in Chicago.

20 **Q. Okay. And how did they get --**  
21 **did they then go to your warehouse?**

22 A. It was strategically placed,  
23 yeah. There are certain that went to hospitals,  
24 I believe a couple of hospitals in North Carolina.  
25 It was -- it was split strategically, yes. A lot

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1 of it did come to our warehouse.

2 **Q. And then the PPE that came to**  
3 **your warehouse, did you then ship that out to**  
4 **consumers?**

5 A. We did.

6 **Q. And did the shipments go to both**  
7 **Ionized and Zaappaaz consumers?**

8 A. Possibly.

9 **Q. And did Zaappaaz and Ionized**  
10 **share the cost of the plane?**

11 A. Yeah, absolutely.

12 **Q. What records would show this**  
13 **cost-splitting?**

14 A. Cost of what? The plane?

15 **Q. The plane.**

16 A. We have invoices.

17 **Q. Or any -- go ahead. Sorry.**

18 A. Yeah, we have invoices.

19 **Q. You have the invoices showing**  
20 **how much Zaappaaz paid and how much Ionized paid?**

21 A. No. We have an invoice of how  
22 much the chartered plane cost -- cost us.

23 **Q. Okay. But my question was, you**  
24 **said you shared the cost with Ionized?**

25 A. Yeah. I mean...

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1 **Q. And my question is, what**  
2 **documents would reflect the sharing of those**  
3 **costs?**

4 A. It's not really that easy.  
5 Let's say if a plane costs -- I think it was like  
6 a million and two dol- -- or a million-200,000.  
7 And if it had, for example, a hundred  
8 thousand gallons, then it got split into a hundred  
9 thousand gallons, so that was our cost of our  
10 gallons. So if Ionized took 10,000 gallons,  
11 that's what they paid us for. So it's really not  
12 divvied out as simple as it sounds.

13 **Q. But is this documented in any**  
14 **way or is it a handshake agreement between Ionized**  
15 **and Zaappaaz?**

16 A. It's a handshake agreement. I  
17 own both companies, so I wouldn't -- I wouldn't do  
18 injustice to either one of them. But I guess,  
19 yeah, a handshake.

20 **Q. Where did the products, the PPE**  
21 **products that were shipped via the plane come**  
22 **from?**

23 A. China.

24 **Q. Did you say China?**

25 A. Mm-hmm.

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1 **Q. And did they come from Mr. Liu?**

2 A. They did not come from Mr. Liu.

3 **Q. Okay. Why not?**

4 A. Because this was another vendor  
5 that we found via Yaoli.

6 **Q. And who is Yaoli again?**

7 A. Yaoli is our contracted agent  
8 individual. Yaoli, Y-A-O-L-I.

9 **Q. And remind me, when Yaoli would**  
10 **print the FedEx labels, whose account was she**  
11 **using?**

12 A. She would use -- Yaoli was split  
13 between multiple companies. She's a sourcing  
14 agent, so you can consider it as a shared  
15 resource. So if -- if Ionized needed to source  
16 an LED product, they would use Yaoli. If Zaappaaz  
17 needed to source a balloon, they would use Yaoli.  
18 If another company of mine needed to use Yaoli,  
19 they would use her. And then we would split  
20 the -- the salary.

21 **Q. And what about -- I'm talking**  
22 **about, like, the FedEx shipping.**

23 **Would -- did you --**

24 A. Yeah, everybody --

25 **Q. Did she have her own FedEx**

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1 **account?**  
 2 A. No, she didn't. She had our  
 3 FedEx account, individual --  
 4 **Q. Okay.**  
 5 A. -- company's FedEx account.  
 6 She had a list of those. She  
 7 would use accordingly --  
 8 **Q. Okay.**  
 9 A. -- to whatever she's shipping.  
 10 **Q. And so she found this other**  
 11 **vendor.**  
 12 **And was it one vendor that**  
 13 **supplied the PPE that you then shipped via**  
 14 **plane --**  
 15 A. That was --  
 16 **Q. -- to Chicago?**  
 17 A. Well, that was one specific  
 18 vendor, yes.  
 19 **Q. Did -- were there multiple**  
 20 **vendors you used?**  
 21 A. For this chartered plane?  
 22 **Q. Yes.**  
 23 A. No.  
 24 **Q. For the -- what was the answer?**  
 25 A. No.

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1 **Q. Okay. Okay.**  
 2 **Let's look at this chart, which**  
 3 **is Zaappaaz 41. So Mr. Blanchard represented that**  
 4 **this is a very comprehensive chart that should**  
 5 **contain all of the PPE transactions, including**  
 6 **refunds and information about refunds, returns,**  
 7 **cancellations.**  
 8 MR. BLANCHARD: Objection.  
 9 Side-bar. Argumentative.  
 10 MS. SCHAEFER: Okay.  
 11 BY MS. SCHAEFER:  
 12 **Q. So as far as you know, what does**  
 13 **this chart contain?**  
 14 A. This contains pretty close to  
 15 everything that you'll find as -- as a customer's  
 16 data point for the orders.  
 17 **Q. Okay. Does this contain all of**  
 18 **the information about PPE sales from March 27,**  
 19 **2020 -- I'm going to just scroll down to the**  
 20 **bottom and see. Sorry. I'm getting there.**  
 21 **Okay. So this is through**  
 22 **September 9th, 2020; is that right?**  
 23 A. Yeah, I think so. I don't know  
 24 why it's --  
 25 **Q. Okay.**

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1 A. -- September 9th.  
 2 Maybe that was just requested  
 3 for that specific...  
 4 **Q. Yeah, I'm not sure.**  
 5 **And I was going to say, will you**  
 6 **be able to update this chart through December?**  
 7 A. Can you zoom in a little bit,  
 8 please, on that?  
 9 **Q. Sure.**  
 10 **I mean, do you have information**  
 11 **to provide an update through December 2020?**  
 12 A. Yeah, we -- we have it all in  
 13 our database. Yeah, we can provide it up to  
 14 whatever date, no problem.  
 15 **Q. Okay. And so what I was asking**  
 16 **was, through the September date, does this**  
 17 **represent all of the sales that Zaappaaz made of**  
 18 **covered products?**  
 19 A. Pretty close, I would say.  
 20 Maybe 99, 98 percent.  
 21 **Q. And what happened to the**  
 22 **remaining two percent?**  
 23 A. Some off transactions, maybe  
 24 someone came to the warehouse, picked it up and  
 25 never -- never was recorded. I'm just trying to

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1 save myself, I guess, but some off transactions  
 2 that might have happened.  
 3 **Q. Okay. Who actually pulled this**  
 4 **information and prepared this?**  
 5 A. Priyank pulled the information.  
 6 **Q. Okay. And does this come out of**  
 7 **your database?**  
 8 A. That does.  
 9 **Q. All right. Let's go through**  
 10 **some of these columns so we understand what they**  
 11 **are.**  
 12 **So is this the order ID?**  
 13 A. Mm-hmm.  
 14 **Q. And this is the date that the**  
 15 **consumer purchases the product?**  
 16 A. Correct. Or that's the date  
 17 when the customer placed the order, not  
 18 necessarily when they purchased it, but when they  
 19 placed the order.  
 20 **Q. Okay. And why not necessarily**  
 21 **when they purchased it? Because my sense is that**  
 22 **when consumers buy things off of your website,**  
 23 **they get instantly charged. Are there other --**  
 24 A. Yeah, so --  
 25 **Q. -- scenarios captured here?**

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1 A. Yeah, so just take in mind  
2 there's other metrics -- methods of payment,  
3 right? There's -- you could send a check in. You  
4 could do a wire transfer. You could do PayPal.  
5 PayPal also will hold your funds and then they  
6 will release it based on their validation process,  
7 and once it releases, that's when the order gets  
8 confirmed. So those are just --

9 **Q. Okay.**

10 A. -- additional layers, I guess.

11 **Q. I see. All right.**

12 **Okay. This is -- is this the**  
13 **name of the product being ordered?**

14 A. Mm-hmm.

15 **Q. Okay. And that's the SKU?**

16 A. Yeah. I mean, we don't really  
17 use a SKU system, but -- you might want to kind of  
18 take it with a grain of salt on that, but you  
19 might -- might see some SKU changes here and  
20 there. But, yeah, that is a SKU that we -- we  
21 use.

22 **Q. And so, yeah, so earlier you**  
23 **testified you don't really maintain inventory**  
24 **data?**

25 A. Mm-hmm.

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1 **Q. So -- and you didn't maintain it**  
2 **until, like, the end of 2020 when you started**  
3 **using Ship Easy.**

4 **So what -- what exactly does**  
5 **this represent in your database?**

6 A. Yeah, so when you said this --  
7 so when we -- when we started using -- when we  
8 started using Shipping Easy, it requires us to  
9 send it with a SKU. So we tell Shipping Easy that  
10 5600 is ordered, and it already -- it automati- --  
11 so we don't tell Shipping Easy that it's  
12 protective face masks. We tell them 5600, SKU  
13 5600 is ordered, and this is the product quantity.

14 **Q. But they don't know the exact**  
15 **product?**

16 A. Say that again.

17 **Q. So why don't you tell me again.**

18 **So what does this SKU represent?**

19 A. We needed to make it a SKU to  
20 send to Shipping Easy. So we would tell Shipping  
21 Easy that SKU 5600 is ordered, and there's 144  
22 quantity of those that were ordered in our -- and  
23 in Shipping Easy, you would put in a SKU number,  
24 you would put in a product name, and you could put  
25 in price, shipping, and all that stuff in there.

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1 But I think only for our metrics, we wanted to  
2 just push the orders into Shipping Easy so we  
3 could create labels.

4 **Q. And so you would just put, you**  
5 **know, the SKU and this is how many of the**  
6 **products?**

7 A. Yeah, our system would provide  
8 that to Shipping Easy, correct.

9 **Q. Okay. But not the product name?**

10 A. The product name would  
11 automatically come because in Shipping Easy, we  
12 would define what 5600 is. We would say 5600  
13 relates to this product name. So once our system  
14 sends 5600 to them, they automatically know what  
15 it is.

16 **Q. Oh, I see. Okay.**

17 **But you didn't start using it**  
18 **until the end of 2020, and so I'm -- why is there**  
19 **a SKU when the order is March 22nd, 2020?**

20 A. We didn't use it until the end  
21 of 2020? What do you mean?

22 **Q. I thought that you said that you**  
23 **didn't -- well, when did you start -- I'm mistaken**  
24 **then.**

25 **When did you start to use**

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1 **Shipping Easy to create labels?**

2 A. I don't know when I started  
3 using it. But, I mean, the blunt of it started  
4 pretty much in April, I would say.

5 **Q. Okay. I guess I'm confused**  
6 **because I thought you testified that the database**  
7 **you guys have didn't track inventory until the end**  
8 **of 2020?**

9 A. You're absolutely right.

10 **Q. And so does this have -- does**  
11 **this have any relation, this SKU number and what**  
12 **it is and how many, to tracking inventory?**

13 A. Where are you getting how many  
14 from?

15 **Q. Well, I thought you said you**  
16 **give the SKU and it says -- you send them the SKU,**  
17 **how many, and then they already can tell you what**  
18 **the SKU references?**

19 A. Yeah, that's correct. But that  
20 doesn't -- that doesn't track inventory, though.  
21 How does that track inventory?

22 **Q. Okay.**

23 A. Yeah.

24 **Q. No, okay, it doesn't.**

25 A. Yeah.



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1 **Q. Okay. What is -- E is the price**  
2 **of the product; is that right? Is that right?**

3 A. Correct.

4 **Q. Okay. F, how many?**

5 A. That's the quantity. That's the  
6 quantity of the product.

7 **Q. Production days?**

8 A. How long does it take to ship  
9 out or make, I don't know. Yeah, production is  
10 how long it is to pack.

11 **Q. How long to pack. Okay.**  
12 **And then what about shipping**  
13 **days?**

14 A. The method of the -- if it's an  
15 overnight or if it's next-day -- I mean if it's  
16 overnight or it's three days, two days, four days,  
17 whatever method they want, however fast they want  
18 it.

19 **Q. Do these shipping days**  
20 **correspond to the shipping times in those email**  
21 **receipts we looked at earlier?**

22 A. Shipping days -- yeah, so in the  
23 email, it said delivery date. So this is what I  
24 was referring to. It would take the  
25 accumulation -- I mean it would take the addition

373

1 of production days plus the shipping days, is your  
2 shipping time.

3 **Q. And how is shipping time**  
4 **different than delivery time?**

5 A. It's not. It's the same.

6 **Q. And is it the same on the emails**  
7 **as well? In terms of the --**

8 A. I mean --

9 **Q. -- email shows you delivery date**  
10 **and shipping time?**

11 A. Yeah, delivery date is the  
12 addition of production time and shipping time.

13 **Q. Okay. And -- all right.**

14 **So what is column J?**

15 A. It's the addition of production  
16 time and shipping time.

17 **Q. So that's the promised delivery**  
18 **date?**

19 A. That is the promised delivery  
20 date, correct, or estimated delivery date  
21 depending on what time you're referring to.

22 **Q. Okay. So now -- and this W is**  
23 **the -- what does W refer to?**

24 A. The carrier.

25 **Q. And I think yesterday that you**

374

1 **said for the most part, you use FedEx as a**  
2 **carrier, Zaappaaz does?**

3 A. At least from the warehouse, I  
4 believe so, yeah.

5 **Q. What -- do you use UPS as well**  
6 **from the warehouse?**

7 A. We started. I don't know if we  
8 were overlapping at that time, but I don't think  
9 we were.

10 **Q. When did you start using UPS?**

11 A. I have no idea. Maybe -- I want  
12 to say maybe five or six months ago.

13 **Q. Okay. And what about DHL? And**  
14 **right now we're just limiting this to, like,**  
15 **shipping from your warehouse.**

16 A. Yeah, I don't think we ever used  
17 DHL in our warehouse.

18 **Q. And now let's talk about the**  
19 **deliveries that were coming from -- from China and**  
20 **the carriers that your brokers were using.**

21 **Do you know if -- what**  
22 **brokers -- what carriers they used for the most**  
23 **part?**

24 A. They used everything and --  
25 everything that was possible.

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1 **Q. Is there one that they used more**  
2 **than others?**

3 A. I think it was -- it was  
4 whatever their metrics told them was the -- was  
5 the best option.

6 **Q. And what about Yaoli? Do you**  
7 **know what carrier she used?**

8 A. She used both FedEx, DHL, and  
9 UPS.

10 **Q. And so -- but if she was -- if**  
11 **she was relying on Zaappaaz's accounts or**  
12 **Ionized's accounts --**

13 A. Correct.

14 **Q. You said she -- you said she was**  
15 **using Zaappaaz's and Ionized's FedEx accounts?**

16 A. Correct.

17 **Q. But you don't have -- did -- if**  
18 **you -- if Zaappaaz wasn't using DHL or UPS at the**  
19 **time, then how was she using it?**

20 A. Yeah, good question. So she  
21 would never use DHL or UPS in normal  
22 circumstances. But --

23 **Q. Okay.**

24 A. -- with PPE products -- yeah,  
25 with PPE products, she was not allowed to ship



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1 herself.

2 She had to go through a broker  
3 that had certifications to ship PPE products. And  
4 those brokers probably had DHL, UPS, or FedEx,  
5 whatever was available. She had to use those  
6 options. But, yes.

7 **Q. I see.**

8 **So when she was shipping PPE**  
9 **products, then, or when -- yeah, shipping PPE**  
10 **products to your customers, she was relying on**  
11 **other -- you know, other entities' carrier**  
12 **accounts, which included FedEx, UPS and DHL?**

13 A. Correct.

14 **Q. But she couldn't use -- but she**  
15 **couldn't use your PPE account to ship PPE to you?**

16 A. She could, and she did. She did  
17 use it on some. But, for example, there were  
18 times where FedEx required a certification on  
19 certain masks, which she does not have the ability  
20 to do that, so she went to a -- a broker that has  
21 those certifications and she shipped it. But if  
22 it's a -- if it's a dispenser, she didn't require  
23 certification but she required an additional  
24 clearance, which she was able to get through FedEx  
25 when she shipped. So it was a circumstantial

377

1 thing.

2 **Q. I see.**

3 **And I just want to make sure,**  
4 **does this chart encompass, you know, all of the**  
5 **several carriers and tracking numbers and**  
6 **information that every -- every relevant entity in**  
7 **the supply chain for Zaappaaz was using?**

8 MR. BLANCHARD: Objection.

9 Compound. Objection. Foundation.  
10 Speculation.

11 THE WITNESS: Yeah, I don't  
12 think this will be -- I don't know what  
13 you're asking, what question you're  
14 asking. If you could re- -- clarify  
15 it, I guess?

16 BY MS. SCHAEFER:

17 **Q. Okay. So, in other words, let's**  
18 **say that -- was Yaoli shipping product directly to**  
19 **consumers or was she shipping product to you at**  
20 **the warehouse?**

21 A. I think she was doing both. But  
22 if I had to guess, mostly to the warehouse.

23 **Q. And so to the extent she's**  
24 **shipping product to the warehouse, are those**  
25 **shipments containing many orders that will then be**

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1 distributed to consumers?

2 A. Sure, yeah, at times.

3 **Q. So I guess my question is, does**  
4 **this chart encompass -- to the -- so to the extent**  
5 **that, let's say, Liu or Yaoli or any of your other**  
6 **brokers or vendors or suppliers are shipping goods**  
7 **to your warehouse and then you in turn then ship**  
8 **those products out to consumers, what tracking**  
9 **information will this spreadsheet pick up --**

10 A. This shows --

11 **Q. -- in terms of a consumer's**  
12 **order?**

13 A. This shows only tracking from  
14 point A to point B, B being the customer and A  
15 being from where it originated.

16 **Q. And -- okay.**

17 **But from when -- in terms of it**  
18 **going from China to the warehouse to the warehouse**  
19 **to the consumer, so that transaction, would it**  
20 **encompass --**

21 A. It would not be --

22 **Q. -- the origination spot...**

23 A. I'm sorry.

24 **Q. What?**

25 A. Yeah, it would not be in this

379

1 sheet.

2 **Q. The one -- oh.**

3 **So how about the transaction**  
4 **from the warehouse to the consumer?**

5 A. That's on the sheet, point A to  
6 point B.

7 **Q. Okay. So -- and let me make**  
8 **sure I understand.**

9 **So to the extent China shipped**  
10 **something directly to your consumers, that**  
11 **tracking information will be on this sheet?**

12 A. That's correct.

13 **Q. To the extent China, or wherever**  
14 **else you're getting your covered product, ships**  
15 **product to the warehouse which then ships products**  
16 **to consumers, this spreadsheet will only pick up**  
17 **the tracking from the warehouse to the consumer?**

18 A. Correct.

19 **Q. Okay. All right.**

20 **Let's go -- okay. So here we**  
21 **have shipment date. What does that refer to?**

22 A. The date it was handed off to  
23 FedEx.

24 **Q. Shipment delivery date?**

25 A. And I believe my -- my guys used

<p style="text-align: right;">380</p> <p>1 a formula to get the delivery dates based off of</p> <p>2 the tracking numbers, so that is the delivery date</p> <p>3 when it got delivered to the customer.</p> <p>4 <b>Q. Okay. And what is AC?</b></p> <p>5 A. Delivery dates, I think it's</p> <p>6 taking -- if you go to the left side, order -- if</p> <p>7 you go to the left, Michelle?</p> <p>8 MR. BLANCHARD: He wants you to</p> <p>9 navigate over to the left, Michelle.</p> <p>10 BY MS. SCHAEFER:</p> <p>11 <b>Q. Oh, sorry.</b></p> <p>12 <b>More?</b></p> <p>13 A. Yeah, please.</p> <p>14 <b>Q. Where do you want me to go?</b></p> <p>15 A. I want you to scroll the</p> <p>16 sheet -- scroll the sheet to the left. Okay.</p> <p>17 Yeah, delivery -- shipment</p> <p>18 delivery date. Do you see that column?</p> <p>19 <b>Q. Delivery date?</b></p> <p>20 A. Sorry. It was -- it was after</p> <p>21 production and shipping. I think there was one</p> <p>22 column that said --</p> <p>23 <b>Q. Yeah.</b></p> <p>24 A. -- delivery -- yeah, delivery</p> <p>25 date.</p>	<p style="text-align: right;">382</p> <p>1 MR. BLANCHARD: Objection.</p> <p>2 Compound.</p> <p>3 THE WITNESS: I -- I probably</p> <p>4 would have to explain this again.</p> <p>5 Shipping, are you referring to us</p> <p>6 handing it off to FedEx?</p> <p>7 BY MS. SCHAEFER:</p> <p>8 <b>Q. No.</b></p> <p>9 <b>I'm just -- I'm just trying to</b></p> <p>10 <b>figure out what column AD is referring to, if it's</b></p> <p>11 <b>referring to the delivery date was late or if it's</b></p> <p>12 <b>referring to the shipment delivery date when it</b></p> <p>13 <b>was handed over to the carrier was late.</b></p> <p>14 A. No, not -- not handed over to</p> <p>15 the carrier. As to when it was delivered to the</p> <p>16 customer, it was delayed based on what we had told</p> <p>17 them.</p> <p>18 <b>Q. Okay. And what's this tracking</b></p> <p>19 <b>to, shipment date to, shipment delivery date to?</b></p> <p>20 <b>What is all this additional information here?</b></p> <p>21 A. If that order had multiple</p> <p>22 trackings on it, it's just breaking it down for</p> <p>23 you, same concept.</p> <p>24 <b>Q. And why would the order have</b></p> <p>25 <b>multiple tracking orders?</b></p>
<p style="text-align: right;">381</p> <p>1 So that was the delivery date.</p> <p>2 So it's taking that date, minusing from the date</p> <p>3 it was delivered and giving you the output.</p> <p>4 <b>Q. Okay.</b></p> <p>5 MR. BLANCHARD: It's</p> <p>6 actual delivery -- can I help you,</p> <p>7 Michelle?</p> <p>8 MS. SCHAEFER: Sure.</p> <p>9 MR. BLANCHARD: It's actual</p> <p>10 delivery date minus estimated delivery</p> <p>11 date.</p> <p>12 BY MS. SCHAEFER:</p> <p>13 <b>Q. Okay. And then what about AD?</b></p> <p>14 A. It's just telling you if it was</p> <p>15 on time or delayed. Based on --</p> <p>16 <b>Q. And --</b></p> <p>17 A. -- the left side, if you look,</p> <p>18 it says --</p> <p>19 <b>Q. Based on the --</b></p> <p>20 A. -- two days, yeah.</p> <p>21 <b>Q. -- delivery date?</b></p> <p>22 A. Yeah. It says two --</p> <p>23 <b>Q. And is -- this delayed shipping</b></p> <p>24 <b>or delayed delivery or on-time shipping or on-time</b></p> <p>25 <b>delivery, what is it referring to?</b></p>	<p style="text-align: right;">383</p> <p>1 A. Sometimes it doesn't fit into</p> <p>2 one box, so we have to create multiple labels.</p> <p>3 <b>Q. Okay. And so all of this in</b></p> <p>4 <b>green would refer to the second order to the</b></p> <p>5 <b>extent there was one?</b></p> <p>6 A. Not a second order. Second</p> <p>7 package.</p> <p>8 <b>Q. Okay. And what about this blue,</b></p> <p>9 <b>these blue columns?</b></p> <p>10 A. Same thing, same concept.</p> <p>11 <b>Q. And the orange?</b></p> <p>12 A. Same concept.</p> <p>13 <b>Q. Okay. And what is this tracking</b></p> <p>14 <b>date representative of?</b></p> <p>15 A. I believe that was -- I don't</p> <p>16 know. I don't know that column, honestly. But if</p> <p>17 you could maybe just -- we could probably...</p> <p>18 <b>Q. Can you find out?</b></p> <p>19 A. Yeah, I can.</p> <p>20 Can you go to shipping date on</p> <p>21 this one? What does it say, the 3/22/2020? Can</p> <p>22 you go to the left side on shipping date column?</p> <p>23 <b>Q. Yeah. On which -- which --</b></p> <p>24 A. Just that one, the first one.</p> <p>25 That's fine. Just keep going all the way to the</p>

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1 left.  
 2 **Q. And where do you want me to go?**  
 3 A. All the way to the start,  
 4 maybe --  
 5 **Q. Where do --**  
 6 A. -- like around the ABC area.  
 7 **Q. How do I -- do you know how to**  
 8 **unlock this? It's -- I don't -- it's locked, and**  
 9 **I'm trying -- it's annoying me, but...**  
 10 **Okay. Did I go to where you**  
 11 **wanted?**  
 12 A. Yeah. If you scroll to the  
 13 right. Yes. Keep going. Yes. Keep going.  
 14 Yeah, I believe that means when  
 15 it was handed over to FedEx or -- I -- I -- that's  
 16 what it seems like, when it was handed over to  
 17 FedEx, shipping date or shipping tracking.  
 18 **Q. Okay. Okay.**  
 19 **But you'll find out, but you**  
 20 **think this is when it was handed over?**  
 21 A. I can find out, yes.  
 22 **Q. Okay. So -- well, let me ask**  
 23 **you this: How else would you be able to figure**  
 24 **out the shipping date over here without knowing --**  
 25 **well, that's my question.**

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1 **How -- how do you get the**  
 2 **information about the shipment date?**  
 3 A. Yeah, if you take column Z,  
 4 the -- the -- if you take that number and just put  
 5 it into Google, it'll tell you exactly when it was  
 6 delivered and when it was shipped. It'll give you  
 7 the whole data.  
 8 **Q. Oh, I see.**  
 9 **You're just not sure what that**  
 10 **exact date represents in this field, but you think**  
 11 **it's when it was placed in the hands of the**  
 12 **shipper?**  
 13 A. I think it's pulling it straight  
 14 from FedEx's tracking information, and that's what  
 15 it means. I'm --  
 16 **Q. Yeah.**  
 17 A. Because that's pretty -- pretty  
 18 extensive data that it's pulling with time stamp  
 19 and everything, so I think that's what it means.  
 20 **Q. Yeah.**  
 21 **I'm just looking. Okay. So**  
 22 **that second one is 3/30. Let's see what it says**  
 23 **here. Well, it's a different date, right?**  
 24 A. It's -- it's 3/23.  
 25 **Q. I don't -- and when we saw it**

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1 **over here, it was 3/25.**  
 2 **So I -- so here is the date you**  
 3 **said it was put in the hands of the shipper, AA.**  
 4 **And then --**  
 5 MR. BLANCHARD: Objection.  
 6 Misrepresents prior testimony.  
 7 BY MS. SCHAEFER:  
 8 **Q. Okay. Well, let me go back.**  
 9 **What does this represent, AA?**  
 10 A. When it was -- I would assume  
 11 it's the same as what you have on the other side,  
 12 but I -- I believe it's --  
 13 **Q. Which is when it was --**  
 14 A. -- put in the hands of FedEx,  
 15 yes.  
 16 **Q. Okay. FedEx or whatever carrier**  
 17 **they're using --**  
 18 A. Correct, correct.  
 19 **Q. -- or you're using or your**  
 20 **brokers are using?**  
 21 **Okay. Well, it doesn't seem to**  
 22 **be matching up, so...**  
 23 A. It doesn't? What is it showing?  
 24 **Q. Well, because, like -- okay.**  
 25 **So this tracking date, you think**

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1 **that the tracking date signifies when it was put**  
 2 **in the hands of the shipper as well? Is that --**  
 3 A. Okay. And that's the -- yeah,  
 4 that's 3/23. What was the other one?  
 5 **Q. Okay. So that's 3/23, and that**  
 6 **is -- oh, 3/25. So it might be that that's the**  
 7 **date the label was created. I'm not going to --**  
 8 **you know, I'm not making an assumption, so I'll**  
 9 **just wait to hear back from --**  
 10 A. Yeah.  
 11 **Q. -- either you or Mr. Blanchard**  
 12 **about that.**  
 13 A. Okay.  
 14 **Q. Let's just maybe look at one**  
 15 **more. That's 3/25 there. And that's 3/26. So**  
 16 **there's some discrepancy there. We -- okay.**  
 17 **So is this -- is this showing**  
 18 **how the consumer paid?**  
 19 A. Correct.  
 20 **Q. And what about AV?**  
 21 A. If there was any refunds. That  
 22 was done on the back end.  
 23 **Q. Okay. And so what does that**  
 24 **mean, on the back end?**  
 25 A. If it was done within our system

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1 but if we went to PayPal.com or Stripe.com and did  
2 the trans- -- did the refund there, it won't  
3 reflect on our -- on our database.

4 **Q. I see. Okay.**

5 **And so then to the extent you**  
6 **produced other spreadsheets from -- for example,**  
7 **from Stripe or from Braintree that contained**  
8 **chargeback information, those -- do those charts**  
9 **contain the additional -- I'll call them "refunds"**  
10 **that were made that came from -- directly from the**  
11 **processor?**

12 **A. Correct. That will also answer**  
13 **your question that we had yesterday as to why they**  
14 **were showing zeros, is because those were probably**  
15 **done on the back end of -- I'm sorry -- they were**  
16 **done on the platforms itself, so it's not**  
17 **reflecting on our database.**

18 **Q. Oh, I see. So -- okay. And**  
19 **we'll -- we can turn to those later, but...**

20 **So those reflect the chargebacks**  
21 **that are coming from the payment process platform,**  
22 **but they're also showing zero because that's**  
23 **coming from your database, which shows zero refund**  
24 **because you didn't give it from your account; is**  
25 **that right?**

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1 **A. No, the --**

2 **MR. BLANCHARD: The -- yeah, go**  
3 **ahead.**

4 **THE WITNESS: Yeah, we -- we**  
5 **gave it from our account. I mean, the**  
6 **refund has to come from our account**  
7 **regardless. It's just -- we just**  
8 **didn't use our system to process the**  
9 **refund. We used Stripe itself to**  
10 **process the refund.**

11 **BY MS. SCHAEFER:**

12 **Q. And so if I were going to add up**  
13 **all the refunds, let's say, that you've given**  
14 **related to covered products, I would take the --**  
15 **add up the refunds in this chart; is that right?**

16 **A. If you want the most accurate**  
17 **refunds, you would take all of the refunds done on**  
18 **the processor site and you would get the most**  
19 **accurate refunds.**

20 **Q. Okay. So now I'm confused.**

21 **What I was going to say was, if**  
22 **I add up these refunds plus the chargebacks**  
23 **reflected in the other chart that reflects the**  
24 **payment processor chargebacks -- if you add those,**  
25 **I was going to ask if that gives you all the**

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1 **refunds.**

2 **A. No.**

3 **Q. But --**

4 **A. No.**

5 **Q. Okay. So tell me how I would --**  
6 **if I wanted to figure out all of the refunds given**  
7 **to consumers related to, you know, PPE**  
8 **transactions, how would I go about calculating**  
9 **them based on the -- these spreadsheets you**  
10 **provided?**

11 **A. To get a hundred percent**  
12 **accurate, you would take all of the refunds done**  
13 **on all of the processors. That includes Stripe,**  
14 **PayPal, Amazon, Braintree, whatever there is. You**  
15 **take all those refunds, you -- you attach it with**  
16 **an order ID. Okay? Now you have all of the order**  
17 **IDs of PPE already, and then you just do a simple**  
18 **look-up function to match those and see which one**  
19 **shows and which one doesn't show. And the one**  
20 **that does not show, you would add those back into**  
21 **these.**

22 **Q. And what are the ones that do**  
23 **not show?**

24 **A. So -- okay.**

25 **MR. BLANCHARD: Hold on. Can I**

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1 **ask a -- can I -- can I -- I think**  
2 **everything is getting jumbled here.**  
3 **Can I -- can I -- can I try and clear**  
4 **it up, Michelle?**

5 **MS. SCHAEFER: Please.**

6 **MR. BLANCHARD: So if a refund**  
7 **amount is shown in here, it would not**  
8 **also be in a payment processor, would**  
9 **it?**

10 **THE WITNESS: It would be.**

11 **MR. BLANCHARD: Oh, then I'm**  
12 **confused too.**

13 **THE WITNESS: Yeah, okay. Let**  
14 **me clarify.**

15 **We can -- so if you do a charge,**  
16 **on my back end, I can see that there's**  
17 **a charge of \$50. Okay? For Stripe,**  
18 **for Braintree, I could refund those**  
19 **charges back \$50 on my back end and I**  
20 **can refund it from my back end, which**  
21 **is my software. I can refund \$50, and**  
22 **it would reflect here that it's**  
23 **refunded \$50.**

24 **For instances like PayPal and**  
25 **Amazon, we don't have a way to**

<p>392</p> <p>1 communicate with my back end to Amazon. 2 So what I have to do is I have to find 3 that transaction on Amazon.com. On 4 Amazon's website I have to find that 5 transaction, and there's a button 6 called "refund on Amazon," and that's 7 where I click "refund" and it issues a 8 refund back to the consumer. But that 9 does not reflect back on my back end 10 here. So that's what I'm saying. 11 MS. SCHAEFER: Okay. I think 12 the -- I find this extremely confusing. 13 I think it might be beneficial if, 14 Mike, you can maybe provide something 15 in writing as to how -- 16 MR. BLANCHARD: Yeah. 17 MS. SCHAEFER: -- this 18 calculation would be calculated because 19 it sounds very complicated. 20 You know, not sure I'm going to 21 be able to understand that without 22 really seeing something on paper. 23 MR. BLANCHARD: I made a note. 24 I'll provide something in writing. 25 MS. SCHAEFER: Okay. And, I</p>	<p>394</p> <p>1 you know, the accurate information. 2 Does that sound like a plan? 3 MR. BLANCHARD: Yes. Thank you. 4 MS. SCHAEFER: Okay. And I 5 would like to just note on the record 6 that, you know, to the extent that 7 anything provided to us requires 8 further testimony, and I'm not saying 9 it will because I don't know what I'm 10 going to be looking at, I'm going to 11 just note for the record that I might 12 want to reopen, you know, the 30(b)(6) 13 deposition or Mr. Makanojiya's 14 deposition. 15 MR. BLANCHARD: I mean, we won't 16 agree to that, obviously, but I 17 understand what you're saying. 18 MS. SCHAEFER: Okay. All right. 19 BY MS. SCHAEFER: 20 <b>Q. Let -- and let me ask you</b> 21 <b>something else.</b> 22 <b>Is this something you could</b> 23 <b>calculate for us, Azim? And --</b> 24 <b>A. I can.</b> 25 <b>Q. -- by "you," I mean Zaappaaz.</b></p>
<p>393</p> <p>1 mean, we can go through this and see 2 what else we can gather from the 3 testimony, but I'm starting to think 4 that it might be more beneficial for 5 everyone if perhaps I send, you know, a 6 letter or a document or an email, you 7 know, asking all of our questions 8 related to the chart, because this is 9 important for both parties -- 10 MR. BLANCHARD: Yeah. 11 MS. SCHAEFER: -- in terms of 12 understanding delays and obviously 13 injury, which is very important. 14 I think that might be the best 15 approach. 16 MR. BLANCHARD: I agree. 17 MS. SCHAEFER: And if so, I 18 am -- you know, I -- I will ask a few 19 questions, but we can certainly 20 streamline this deposition if we do it 21 that way because I -- it just seems 22 like there's going to be a lot of 23 confusion and a lot of unknowns. And 24 that way, you know, you and Azim and 25 his team can get together and give us,</p>	<p>395</p> <p>1 <b>What's that?</b> 2 <b>A. Yeah, sure.</b> 3 <b>Q. You -- does that -- I mean, I</b> 4 <b>still want to understand, obviously, but if it's</b> 5 <b>easier for you to calculate --</b> 6 <b>A. Yeah, it's not the --</b> 7 <b>Q. -- then --</b> 8 <b>A. -- easiest thing, but we will --</b> 9 <b>we will put that as our -- our -- on our action</b> 10 <b>item.</b> 11 <b>Q. Okay. And so I will start, you</b> 12 <b>know, I'll initiate the process and I'll send a</b> 13 <b>letter just asking all of our questions related to</b> 14 <b>the charts, and then we can go from there.</b> 15 <b>A. Okay.</b> 16 <b>Q. Okay. So if that's the case,</b> 17 <b>then -- well, let me ask a few more questions</b> 18 <b>about this and then I'll see whether I even want</b> 19 <b>to talk about the other charts or not. All right.</b> 20 <b>So let's see.</b> 21 <b>Okay. Well, at least with</b> 22 <b>respect to what's in this chart and what the</b> 23 <b>information means. Okay. So this is -- what is</b> 24 <b>this?</b> 25 <b>A. A refund was given, what the</b></p>



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1 reason --

2 **Q. No, I --**

3 A. -- was.

4 **Q. AW?**

5 A. Yeah, reason for the refund.

6 **Q. Okay. Who did -- where do these**  
7 **reasons come from?**

8 A. They're just typed in, just a  
9 generic response.

10 **Q. Who typed them in?**

11 A. The CSRs or Fatima or Eroze, one  
12 of them.

13 **Q. And so I know that also for**  
14 **payment processors, we saw yesterday they have**  
15 **their own codes.**

16 **Does --**

17 A. Yeah, that's --

18 **Q. Did --**

19 A. That -- that's their internal  
20 stuff.

21 **Q. Does this spreadsheet or the**  
22 **information in your database match up at all to --**

23 A. No.

24 **Q. Okay. Okay.**

25 **And what is this date?**

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1 A. Date of refunds.

2 **Q. And what do the discounts**  
3 **represent?**

4 A. There was -- there was a scheme  
5 that was always there. I think you get  
6 ten percent off if you spend this much, 15 percent  
7 off if you spend this much or -- et cetera,  
8 et cetera. So it's just a discount that was  
9 applied to each order.

10 **Q. Okay. Now let's talk about**  
11 **order status. And we have four choices here.**  
12 **So what's canceled?**

13 A. Canceled, it would -- I would  
14 assume that the customer canceled the order, does  
15 not want it anymore.

16 **Q. Okay. Completed?**

17 A. Completed means that the order  
18 has been done. It could also mean it's canceled.  
19 It could also mean it's refunded.

20 All these -- all these statuses  
21 are -- except for completed, all of the status --  
22 the order goes from processing to completed once a  
23 transaction happens, but they have to manually  
24 change the statuses from completed to either  
25 refund, canceled, or disputed or whatever it may

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1 be. But I think we're -- we tried our best on  
2 updating as much as we can as we do it, but it's a  
3 very -- it's a -- it's a -- it's a manual process,  
4 so there could be mistakes made there.

5 **Q. Okay. All right.**

6 **Okay. So this is shipment**  
7 **delivery date. And sometimes there's blanks and**  
8 **sometimes there's N/As, and I'm wondering what**  
9 **that means.**

10 A. Yeah, there's -- it's probably  
11 because there's already duplicate orders of that  
12 customer and it's been shipped together.

13 **Q. Okay. What -- can you elaborate**  
14 **on that? I --**

15 A. Yeah, so if --

16 **Q. -- don't understand --**

17 A. -- you look at -- maybe there's  
18 already an order number or -- or a customer  
19 placed -- there's already a tracking associated  
20 with that order, so -- you see that order right  
21 there?

22 **Q. Should I scroll somewhere to**  
23 **see?**

24 A. No, the -- the -- the tracking  
25 is already there. It's just not pulling up the

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1 data.

2 **Q. Okay. And, now, tell me again,**  
3 **why not?**

4 A. I don't know. Maybe the formula  
5 is not working or something, but...

6 **Q. Okay. Well, it seems like that**  
7 **will probably go in my letter; is that fair?**

8 A. That is -- that is very...

9 Mike, I just...

10 It's really hard to pull. This  
11 is very -- how would you say it? It's --

12 **Q. Oh.**

13 A. -- rigged up.

14 Not rigged up, but it's like we  
15 use multiple different functions to make it  
16 happen. It's not really supposed to be done like  
17 this. But the easiest --

18 **Q. No, let --**

19 A. -- way to do it --

20 **Q. My question --**

21 A. Yeah.

22 **Q. So my question really is -- I**  
23 **want to -- I don't understand what nonapplicable**  
24 **means here.**

25 A. Okay.

<p style="text-align: right;">400</p> <p>1 <b>Q. And to why it's --</b>  2 A. Yeah, so --  3 MR. BLANCHARD: We can supply an  4 answer to that question.  5 THE WITNESS: Right. So the  6 reason is -- well, if it's okay, Mike,  7 I want to explain to you why it says  8 "N/A." We used a function in here to  9 read the tracking number, pull the data  10 from FedEx and put it in here.  11 MR. BLANCHARD: Right.  12 THE WITNESS: And that function  13 is not like a -- it's not -- it's not a  14 standard function that's given by  15 FedEx. It's just a random person who  16 created this function like, "Hey, try  17 this, you might be able to pull it in  18 your Excel sheet, might be able to pull  19 the data from that tracking number."  20 So I am trying to do the best as  21 I can to kind of give you the data.  22 But realistically, the -- one of the  23 ways to do it is put the tracking  24 number into Google, find the -- find  25 that information, and put it into an</p>	<p style="text-align: right;">402</p> <p>1 <b>Q. AF?</b>  2 A. Alpha Frank, yeah. Just scroll  3 down like ten -- ten down.  4 <b>Q. Down?</b>  5 A. Yeah, down. Down, down. Line  6 30, AF.  7 <b>Q. Oh -- wait.</b>  8 <b>30A?</b>  9 A. Alpha Frank.  10 <b>Q. AF.</b>  11 <b>I -- there?</b>  12 A. Yeah.  13 Is that -- is that a formula  14 that's being used on there or is it -- how is it  15 put in there? Is that a formula? I can't see.  16 It's not -- on the -- on the right side, if you  17 can -- yeah, right there.  18 <b>Q. What do you want me to do?</b>  19 A. Is that a formula or it's not?  20 MR. BLANCHARD: Doesn't look  21 like it.  22 THE WITNESS: The one I sent you  23 is a formula.  24 MR. BLANCHARD: The one I have  25 is -- so here's -- here's the --</p>
<p style="text-align: right;">401</p> <p>1 Excel sheet. But I -- any other  2 processes, I don't know how to do it.  3 I did it to the best of my ability, at  4 least. I -- that's what I'm trying to  5 tell you.  6 MR. BLANCHARD: So I think what  7 he's saying, Michelle, is that this --  8 you know, this is an amalgamation of  9 information from Zaappaaz's back end.  10 THE WITNESS: Mm-hmm.  11 MR. BLANCHARD: Which has an  12 order ID, customer, product ordered,  13 et cetera, et cetera, right? And then  14 there's information pulled from FedEx  15 to try and supply additional  16 information and it's sort of merged  17 into this spreadsheet, right?  18 THE WITNESS: Well, so the  19 tracking number is there, Michelle.  20 You see Z is the tracking number? If  21 you can --  22 BY MS. SCHAEFER:  23 <b>Q. Yep.</b>  24 A. -- go to shipment date, column  25 AF, where it says 4/15/2020, the first one on AF?</p>	<p style="text-align: right;">403</p> <p>1 THE WITNESS: Is it on a Google  2 Doc?  3 MR. BLANCHARD: -- Excel.  4 Yeah, made it Excel --  5 THE WITNESS: I think it  6 probably took the formula because it's  7 using internet protocols to read the  8 tracking number because there's no  9 other way to do it. There's --  10 MR. BLANCHARD: Right.  11 THE WITNESS: -- just no other  12 way unless you manually sit there and  13 put the tracking number into Google,  14 get the data, and individually plug in  15 those numbers.  16 But I did it in a very...  17 MR. BLANCHARD: I -- okay. So I  18 think I'm understanding somewhat.  19 MS. SCHAEFER: Do you --  20 MR. BLANCHARD: I mean, it's not  21 good. It -- it -- I don't think some  22 of the formulas came over to this Excel  23 document.  24 But I'm talking out of turn.  25 Can we take a quick break so I can go</p>

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<p>1 in to -- to --</p> <p>2 MS. SCHAEFER: Sure.</p> <p>3 MR. BLANCHARD: -- figure out</p> <p>4 what the answer is here?</p> <p>5 MS. SCHAEFER: Sure.</p> <p>6 MR. BLANCHARD: Okay. Can we</p> <p>7 take ten minutes?</p> <p>8 MS. SCHAEFER: The issue is --</p> <p>9 can I just say one thing? I mean, the</p> <p>10 issue here is that there's going to</p> <p>11 be -- I had sort of a lot of questions</p> <p>12 along these lines, you know, why do we</p> <p>13 get N/As, why are there blanks, what</p> <p>14 is -- you know, stuff like that.</p> <p>15 MR. BLANCHARD: Yep.</p> <p>16 MS. SCHAEFER: And so we should</p> <p>17 take a break and you should clarify.</p> <p>18 But, again, it's just -- I'm leaning</p> <p>19 more and more towards just, you know,</p> <p>20 sending all my questions about all of</p> <p>21 the charts, getting a response, and</p> <p>22 then going from there.</p> <p>23 MR. BLANCHARD: Well, let's just</p> <p>24 do that then.</p> <p>25 MS. SCHAEFER: Yeah, because I</p>	<p>1 know, multiple sources, and so the copy</p> <p>2 I have didn't have any other</p> <p>3 information, the original copy, and so</p> <p>4 we're basically going to have to go</p> <p>5 back to square one and -- and try</p> <p>6 another way. Because we, for example,</p> <p>7 looked up that tracking number on the</p> <p>8 one we were looking at, and it was</p> <p>9 delivered, you know. I don't know why</p> <p>10 it's showing N/A for delivery date, but</p> <p>11 it's a -- it's a data -- it's a data</p> <p>12 importation issue of some kind. I</p> <p>13 don't know what it is.</p> <p>14 MS. SCHAEFER: Okay.</p> <p>15 MR. BLANCHARD: I mean, it's</p> <p>16 tens of thousands of orders, and so</p> <p>17 somebody can't go through and click</p> <p>18 on -- you know, check each tracking</p> <p>19 number. We've got to find a way for it</p> <p>20 to, you know, download correctly and --</p> <p>21 MS. SCHAEFER: I understand.</p> <p>22 MR. BLANCHARD: -- you know...</p> <p>23 MS. SCHAEFER: I just do -- I do</p> <p>24 want to clarify, however, that I'm</p> <p>25 still -- I am still going to -- I would</p>
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<p>1 think it's not -- we're going to -- we</p> <p>2 could be here all day.</p> <p>3 MR. BLANCHARD: I agree.</p> <p>4 MS. SCHAEFER: And I think it's</p> <p>5 just going to be a waste of time.</p> <p>6 Okay. So I'm going to stop</p> <p>7 asking about these charts and I'm going</p> <p>8 to send a letter asking all of our</p> <p>9 questions, and you'll respond and then</p> <p>10 we'll go from there.</p> <p>11 MR. BLANCHARD: Okay.</p> <p>12 MS. SCHAEFER: Okay. All right.</p> <p>13 So why don't we take a, like,</p> <p>14 maybe ten-minute break?</p> <p>15 MR. BLANCHARD: Yeah.</p> <p>16 MS. SCHAEFER: Okay. Thank you.</p> <p>17 MR. BLANCHARD: Thanks.</p> <p>18 (Off the record from 3:25 until</p> <p>19 3:41.)</p> <p>20 BY MS. SCHAEFER:</p> <p>21 <b>Q. So did you, Mike or Azim, want</b></p> <p>22 <b>to add anything about the deposition -- the</b></p> <p>23 <b>spreadsheet?</b></p> <p>24 MR. BLANCHARD: Just that, you</p> <p>25 know, this is pulling in data from, you</p>	<p>1 like to send a letter --</p> <p>2 MR. BLANCHARD: Of course, yeah.</p> <p>3 MS. SCHAEFER: -- asking our</p> <p>4 questions.</p> <p>5 MR. BLANCHARD: Yeah.</p> <p>6 MS. SCHAEFER: And as I said</p> <p>7 before, I want to send a letter asking</p> <p>8 questions about all of the charts</p> <p>9 because they're all related in some</p> <p>10 sort of fashion --</p> <p>11 MR. BLANCHARD: Sure.</p> <p>12 MS. SCHAEFER: -- but they're</p> <p>13 all a little bit different, and so I do</p> <p>14 want to understand, you know, the</p> <p>15 relationship and the differences.</p> <p>16 MR. BLANCHARD: Yeah.</p> <p>17 MS. SCHAEFER: Okay.</p> <p>18 Can you guys see the</p> <p>19 spreadsheet?</p> <p>20 MR. BLANCHARD: Yes.</p> <p>21 MS. SCHAEFER: Okay. Okay.</p> <p>22 So I am marking this -- what is</p> <p>23 our next exhibit?</p> <p>24 MR. BLANCHARD: 41. Well, I'm</p> <p>25 not sure.</p>

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<p>1 MS. SCHAEFER: Forty- -- I think 2 we're on -- 3 MS. COLLESANO: I think 42. 4 MS. SCHAEFER: Okay. 5 (Marked Exhibit 42.) 6 BY MS. SCHAEFER: 7 <b>Q. So this was a spreadsheet of</b> 8 <b>shipments produced by FedEx.</b> 9 <b>Have you ever seen this, Azim?</b> 10 A. If I've seen this sheet 11 particularly, no. But I'm not -- yeah, I'm sure 12 FedEx provides data like this, correct. 13 <b>Q. Okay. So this is the account</b> 14 <b>numbers.</b> 15 <b>Does this reflect your Ionized</b> 16 <b>and Zaappaaz's and some other companies' account</b> 17 <b>numbers with FedEx?</b> 18 MR. BLANCHARD: Objection. 19 Foundation. Calls for speculation. 20 THE WITNESS: Sure. 21 BY MS. SCHAEFER: 22 <b>Q. What was the answer?</b> 23 A. I believe so, that's probably 24 all of them. 25 <b>Q. Okay. And so the way they break</b></p>	<p>1 A. I -- 2 MR. BLANCHARD: Objection. 3 Compound. Foundation. Speculation. 4 THE WITNESS: So the 5 Ionized 1 through 20, Zaappaaz 6 probably -- 7 BY MS. SCHAEFER: 8 <b>Q. Yeah?</b> 9 A. -- not probably, did use some of 10 those accounts as well. 11 So the name references really 12 hold no purpose because Zaappaaz 1, 2, and 3 was 13 definitely Zaappaaz. 14 <b>Q. Mm-hmm.</b> 15 A. But Ionized 1 through -- 16 <b>Q. So --</b> 17 A. -- 20 does not hold any bearings 18 to the name itself. 19 <b>Q. In other words, to the extent</b> 20 <b>there's other payer companies here reflected --</b> 21 A. I cannot see the other payer 22 companies, honestly, but... 23 <b>Q. Wait. I'm sorry. Say that</b> 24 <b>again.</b> 25 A. I can't see the payer companies.</p>
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<p>1 <b>this down is international addresses, domestic</b> 2 <b>addresses, domestic account shipments, and</b> 3 <b>international account numbers.</b> 4 <b>Do the differences have any</b> 5 <b>meaning to you?</b> 6 A. No. 7 <b>Q. Okay. Well, let's start here on</b> 8 <b>international addresses.</b> 9 <b>Is this -- do you want me to</b> 10 <b>make it bigger?</b> 11 A. Yeah, please. 12 <b>Q. Is that good?</b> 13 A. That's good. 14 <b>Q. Okay. So do you have any</b> 15 <b>idea -- okay. Well, here. So this appears to be</b> 16 <b>shipments from all of these account numbers to</b> 17 <b>different consumers all over.</b> 18 <b>And my question is, here in the</b> 19 <b>payer company line, and I'm going to filter, if I</b> 20 <b>were to filter this spreadsheet by orders sent to</b> 21 <b>consumers by Zaappaaz, how -- and I know there's a</b> 22 <b>lot of entities here. Would I just click on</b> 23 <b>Zaappaaz, LLC, Zaappaaz, LLC 2, which I know has</b> 24 <b>accounts with FedEx, or would I include any other</b> 25 <b>parties?</b></p>	<p>1 Yeah, see, Arctic Wolf Networks, 2 I don't know who that is. I don't think that's 3 our company. Bangladesh Express Company, that's 4 not us. Those are not our companies. I think 5 they're just taking -- sometimes third parties use 6 their own shipping to ship to us, but they have no 7 financial impact to us. We don't pay the 8 financial bills to them. Does that make sense? 9 <b>Q. Umm...</b> 10 A. Why don't you -- yeah, why 11 don't -- yeah, why don't you pull up, like, G Ryan 12 Design. You see that one? 13 <b>Q. Yeah. Hold on.</b> 14 A. Yeah, I don't know -- I don't 15 know where you got this list from. But, for 16 example, like even the first one, the 4PX -- 17 <b>Q. Oh, this is from FedEx. This is</b> 18 <b>not -- you know, this is produced by FedEx.</b> 19 A. Okay. So -- 20 <b>Q. G Ryan. All right. Let's look</b> 21 <b>at the...</b> 22 A. So that's not our -- that's not 23 our account number. Now, maybe G Ryan sent us a 24 product. So I hope that answers your question. 25 <b>Q. Okay. Do you know what the</b></p>

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1 **difference is between the payer company and the**  
2 **shipper name?**

3 A. I think --

4 MR. BLANCHARD: Objection.  
5 Foundation. Speculation. I'm not sure  
6 that's accurate.

7 THE WITNESS: I think the  
8 shipper name is just whatever the  
9 shipper puts as a receiver's name, I  
10 believe.

11 BY MS. SCHAEFER:

12 **Q. Wait.**

13 **The shipper -- this is the**  
14 **shipper, and you believe that -- what does it**  
15 **represent?**

16 A. Whatever he puts -- puts as the  
17 receiver's name.

18 MR. BLANCHARD: Michelle, this  
19 one's even harder because it's not our  
20 document. Can I add something?

21 MS. SCHAEFER: No, I know, I  
22 know.

23 MR. BLANCHARD: It's -- I  
24 don't -- I think column K is actually  
25 the recipient?

413

1 THE WITNESS: The recipi- -- the  
2 recipient, yes.

3 BY MS. SCHAEFER:

4 **Q. And so why would, I don't know,**  
5 **Mr. Liang be a recipient?**

6 MR. BLANCHARD: Wait.

7 THE WITNESS: Why would  
8 Mr. Liang be a recipient.

9 BY MS. SCHAEFER:

10 **Q. And then the recipient is**  
11 **actually Sharez?**

12 A. Michelle, I do not know.

13 **Q. Okay. All right. Fair enough.**  
14 **Fair enough.**

15 **I will ask you this, though.**  
16 **When we were doing some comparisons, we noticed**  
17 **that there were thousands of tracking numbers that**  
18 **were in the spreadsheet we were looking at before,**  
19 **which was Zaappaaz 41, that are not encompassed in**  
20 **this FedEx spreadsheet. Do you know why that**  
21 **would be?**

22 MR. BLANCHARD: Objection.  
23 Foundation. Speculation.

24 THE WITNESS: Maybe they're  
25 shipments coming straight to the

414

1 warehouse, scenario one. I don't know.

2 That's -- that's one scenario.

3 BY MS. SCHAEFER:

4 **Q. Wait.**

5 **Maybe which one -- which one**  
6 **reflects shipments going straight to --**

7 A. You're saying -- you're saying  
8 there's some trackings in here that are not  
9 reflecting in my -- in the document that we saw  
10 earlier? Is that correct?

11 **Q. No. I'm saying the reverse,**  
12 **that there's tracking numbers that appear in the**  
13 **other spreadsheet but that don't appear here.**

14 A. Yeah, because they probably --  
15 the Chinese use their own account which you're  
16 maybe not able to get access to.

17 **Q. So is that -- would that reflect**  
18 **the transactions from China to the consumer?**

19 A. Sure, yes.

20 **Q. But then we're in -- when you**  
21 **look at international account numbers, it says**  
22 **the -- and I know we're not sure what this means.**  
23 **It says shipper company, you know, Hong Kong, and**  
24 **then it shows an individual recipient's name. So**  
25 **that would suggest to me it is capturing those.**

415

1 A. No, this -- this -- I think  
2 you're filtering our account number specifically  
3 in this one.

4 **Q. You think -- you think I'm what?**

5 A. I think this is one of our  
6 account numbers. If it's -- if you're filtering  
7 by payer ID, Zaappaaz, this is one of the account  
8 numbers that you're --

9 **Q. No, I'm not -- am I filtering?**  
10 **I haven't filtered anything.**

11 A. Oh, okay.

12 Yeah, Zaappaaz --

13 **Q. But this is Zaappaaz.**

14 A. Yeah. You -- you know what?  
15 You should be actually filtered by account  
16 numbers. Does it -- does it show account numbers  
17 on there? It might clarify a lot of this.

18 **Q. No, I -- you know what? I -- it**  
19 **doesn't. I don't know why, but it has account**  
20 **numbers, but it filters by -- you know, you can do**  
21 **it by company name, by shipper name. And I think**  
22 **the only way to do it, the best way to do it to**  
23 **match the account as far as I can tell is by payer**  
24 **company, but I'm speculating.**

25 A. Are you sure there's no account



416

1 number on this?  
 2 **Q. I mean, here, let me -- we can**  
 3 **look -- go...**  
 4 A. Yeah, you can keep going. It's  
 5 not here. I'll be able to decipher real quick, if  
 6 you just kind of scroll to the right.  
 7 **Q. Okay. I don't want to -- is**  
 8 **this --**  
 9 A. Yeah.  
 10 **Q. Okay. That's it.**  
 11 A. Yeah, it's -- it's not there.  
 12 **Q. And let's see here.**  
 13 A. No.  
 14 **Q. Okay. So do you have any other**  
 15 **theories on why there would be tracking numbers in**  
 16 **that spreadsheet?**  
 17 A. I think one theory is --  
 18 MR. BLANCHARD: Objection.  
 19 Foundation. Speculation.  
 20 THE WITNESS: I think one theory  
 21 is very solid. I mean, Chandler has  
 22 his own FedEx account number that he  
 23 uses. Remember, I told you there's  
 24 metrics that they use --  
 25

417

1 BY MS. SCHAEFER:  
 2 **Q. Yeah, yeah.**  
 3 A. -- yeah, depending on FedEx,  
 4 UPS.  
 5 He has his own FedEx account  
 6 number as well, which he also uses himself  
 7 depending on if our FedEx is cheaper or his FedEx  
 8 is cheaper. So maybe you -- you're not pulling in  
 9 those data into this.  
 10 **Q. And so is what you're saying**  
 11 **that to the extent - I think it was this one -**  
 12 **that this shows, okay, Mr. Liang is shipping to**  
 13 **consumers in the U.S., this is reflected in the**  
 14 **FedEx chart because he must have used one of**  
 15 **Zaappaaz's or Ionized's numbers whereas if he had**  
 16 **used his number, it wouldn't necessarily appear on**  
 17 **the FedEx spreadsheet?**  
 18 A. I think the shipper name just  
 19 references who shipped it, maybe. Actually, if  
 20 you look -- yeah, I think that's what it means.  
 21 Mr. Liang shipped this product from his facility,  
 22 like Mr. Liang was the shipper, but if you look at  
 23 WB, I think that came -- that is being shipped  
 24 from our warehouse by WB, like we are shipping  
 25 from WB. I think that's what it means.

418

1 MR. BLANCHARD: Objection.  
 2 Form. Speculation. Foundation.  
 3 BY MS. SCHAEFER:  
 4 **Q. Wait.**  
 5 **So you think he's shipping it,**  
 6 **and where is WB?**  
 7 A. If you look on the bottom -- go  
 8 ten down. Just press ten down arrows. You'll see  
 9 WB right there, yeah. Yeah. So, see, all those  
 10 are being shipped from our warehouse, and we  
 11 reference ourselves, shipper name, as WB.  
 12 **Q. And what's the difference**  
 13 **between this and the one above, for example?**  
 14 A. Mr. Liang is --  
 15 MR. BLANCHARD: Form.  
 16 Speculation. Foundation.  
 17 THE WITNESS: Mr. Liang is --  
 18 Mr. Liang is China, so I guess maybe in  
 19 his software he put shipper name as  
 20 Mr. Liang.  
 21 BY MS. SCHAEFER:  
 22 **Q. Okay. But are you saying that**  
 23 **really this is being shipped from the warehouse?**  
 24 A. No, I did not say that. I said  
 25 WB is being shipped from the warehouse, the one

419

1 below that. Yeah, that one.  
 2 **Q. Yeah, right.**  
 3 **And this is being shipped from**  
 4 **China?**  
 5 A. That is correct.  
 6 **Q. Right.**  
 7 **But what I'm trying to figure**  
 8 **out is, you said that he -- like you testified, he**  
 9 **had his own FedEx numbers. And some of those**  
 10 **transactions appear on the other chart we were**  
 11 **looking at.**  
 12 A. That's correct.  
 13 **Q. But what I thought you said was**  
 14 **the transactions where he uses his FedEx numbers**  
 15 **don't appear on this spreadsheet because he's**  
 16 **using his FedEx account, not Zaappaaz's or**  
 17 **Ionized's?**  
 18 A. Yeah, Michelle, I don't know if  
 19 you subpoenaed his account number or not, so  
 20 that's what I'm saying. Maybe you don't have  
 21 access to his FedEx data. So it would  
 22 obviously --  
 23 **Q. Okay.**  
 24 A. -- not show in there.  
 25 That's what I was trying to get

420

1 at. Like, I mean, if you --

2 **Q. Okay. So this -- so this**  
3 **reflects presumably, you know, transac- -- FedEx**  
4 **transactions related to, let's say, these**  
5 **accounts?**

6 A. I think it reflects more than  
7 that, honestly. If you look at international --  
8 sorry. Go back to -- yeah, wherever you were  
9 filtering in the start.

10 **Q. Oh, yeah. Okay. So...**

11 A. Payer -- payer company. Yeah,  
12 if you filter that. I think it -- I think you're  
13 mumbling it up with a lot of other --

14 **Q. Okay. It's not me.**

15 A. Yeah, I know it's not you. I'm  
16 just -- like this --

17 **Q. Okay.**

18 A. -- 1138522 BC Limited, no clue.

19 I mean, you could obviously kind  
20 of -- yeah, I don't know what this is.

21 **Q. Yeah, because they paid,**  
22 **whatever it is, but you shipped it, WB shipped it.**

23 **Okay. And -- but you don't --**  
24 **you don't know why there's this -- you don't know**  
25 **who this -- these --**

421

1 A. If you could scroll to the  
2 right? Oh, this is going to Canada.

3 **Q. Oh, okay.**

4 A. I don't -- I -- I mean, we...

5 **Q. Okay.**

6 MR. BLANCHARD: You can have a  
7 seat.

8 BY MS. SCHAEFER:

9 **Q. Did Zaappaaz from March 2020**  
10 **onward use FedEx Ground at all to ship covered**  
11 **products?**

12 A. If we used what?

13 **Q. FedEx Ground.**

14 A. Plenty of times, yes.

15 **Q. And what did you use FedEx**  
16 **Ground for?**

17 A. For shipping goods.

18 **Q. And did you use them for**  
19 **shipping -- do you use FedEx Ground to ship goods**  
20 **within the U.S.?**

21 A. That's the only thing you can  
22 use Ground for. They...

23 **Q. Okay. And so is FedEx Express**  
24 **not used within the U.S.?**

25 A. It is. But Express -- Express

422

1 is air, so, you know, like, it gets on a plane

2 necessarily to reach wherever it needs to reach.

3 **Q. But -- okay.**

4 **So to the extent you were**  
5 **shipping product out from your warehouse to**  
6 **consumers, were you -- were you using FedEx Ground**  
7 **all the time?**

8 A. Not all the time. We used it  
9 based on whatever the needs were for the customer.

10 **Q. What do you -- what does that**  
11 **mean, whatever the needs were for the customer?**

12 A. So FedEx Ground covers Texas,  
13 Louisiana, a little part of Oklahoma, a little  
14 part of Arizona, and we can use Ground and it will  
15 get there within one day. But we have -- we have  
16 metrics internally to tell you -- tell us that,  
17 hey, FedEx Ground takes one day to cover this much  
18 area of delivery zones and it'll take two days to  
19 cover this much area of delivery zones. So our  
20 software kind of picks out what is the best option  
21 of shipping and then we use those methods. So  
22 there's FedEx Ground, FedEx Air, FedEx Express, I  
23 believe, and FedEx Two-Day and FedEx A.M.

24 **Q. Okay. So in terms of FedEx, did**  
25 **you ever experience delays with FedEx Ground?**

423

1 A. Absolutely.

2 **Q. What's that?**

3 A. Yeah, we did.

4 **Q. Okay. Tell me about those, what**  
5 **kind of delays FedEx Ground caused.**

6 MR. BLANCHARD: Objection.

7 Vague. Overbroad.

8 THE WITNESS: The trailer wasn't  
9 being picked up at times. Trailer  
10 wasn't being picked up. Sometimes  
11 after cutoff, so it'd be delayed a  
12 whole day before the FedEx processed  
13 our -- our packages. FedEx, where they  
14 were promising one day or where their  
15 graph is showing one day was now doing  
16 two days or three days. Things like  
17 that.

18 BY MS. SCHAEFER:

19 **Q. Okay. Does that master**  
20 **spreadsheet we went over include the FedEx Ground**  
21 **transactions?**

22 A. The one you're seeing the N/As  
23 on?

24 **Q. Yes.**

25 A. Yeah, it would have every

424

1 transaction, Express and Ground.

2 **Q. Okay. Would it also include**  
3 **other carriers you used to ship from the**  
4 **warehouse?**

5 A. It would, yes.

6 **Q. Okay. And tell me again, before**  
7 **March 2020, were any products being shipped from**  
8 **your warehouse to consumers?**

9 A. 99 percent were shipped from  
10 China. Probably one percent -- and if you want  
11 those scenarios, I can explain, but, yes,  
12 one percent was being shipped not from  
13 particularly our warehouse, but from a house.

14 **Q. What house?**

15 A. I would just get packages for --  
16 for example, if someone orders -- we get  
17 customers, quite a few customers wanting to order  
18 two or three wrist-bands. So what we do is we let  
19 them order the two or three wrist-bands and we  
20 batch them and we ship them to my house or  
21 wherever it may need to go and then we basically  
22 print labels from here to the customer because it  
23 doesn't make sense to ship two wrist-bands from  
24 China to the customer because it's obviously just  
25 not cost-effective.

425

1 **Q. Okay.**

2 MS. SCHAEFER: So the next  
3 exhibit is going to be 42 or is it 43?

4 MR. BLANCHARD: 43.

5 (Marked Exhibit 43.)

6 MS. COLLESANO: I think it's 43.

7 BY MS. SCHAEFER:

8 **Q. Okay. So this is your business**  
9 **application for Texas First Bank account 3965.**  
10 **Is this Zaappaaz's depository**  
11 **account?**

12 A. 3965? I'm not sure.

13 **Q. Can you hear me?**

14 MS. COLLESANO: Michelle, this  
15 is marked as -- Michelle, this is  
16 marked as 42.

17 MS. SCHAEFER: Can you hear me?

18 MR. BLANCHARD: Yes.

19 THE WITNESS: We can hear you.

20 MS. SCHAEFER: Oh, okay.

21 Oh, did I -- I don't even see

22 a -- do you see a marking on the  
23 page, though? All right. I'll have to

24 correct that. Oh, there we go. Okay.

25 MS. COLLESANO: I see it on the

426

1 bottom.

2 MS. SCHAEFER: Yeah, I'll have  
3 to...

4 I'll make that 43, and I'll make  
5 the next one 44.

6 MS. COLLESANO: Okay.

7 BY MS. SCHAEFER:

8 **Q. Okay. So I was saying, so this**  
9 **is the business application for Texas First Bank**  
10 **account 3965.**

11 **What is bank account 3965 used**  
12 **for?**

13 A. If this is my main account --  
14 I'm not sure of the account number, but if this is  
15 my main account, that's used for the main  
16 business, if this is Zaappaaz's account.

17 **Q. Okay. Yeah, so you disclosed**  
18 **this as your main account in discovery responses.**

19 A. Okay. Great. Okay. If that's  
20 the case, then, yes, this is our main account.

21 **Q. Okay. What is the account used**  
22 **for?**

23 A. All transactions related to  
24 Zaappaaz.

25 **Q. And does this account receive**

427

1 **consumer funds?**

2 A. Absolutely.

3 **Q. And it pays for expenses?**

4 A. Absolutely.

5 **Q. Are there any other Zaappaaz**  
6 **bank accounts that receive funds and pay for**  
7 **expenses?**

8 A. No. As of -- as of this time  
9 period, no. There's a second bank account that's  
10 being utilized since last month.

11 **Q. And when did you open that?**

12 A. It was already opened. It was  
13 never utilized.

14 **Q. Oh, okay.**

15 **And when did you start using it?**

16 A. Last month, I believe.

17 **Q. Okay. And so you're a signatory**  
18 **and Khalil is a signatory, but your wife is also a**  
19 **signatory.**

20 **So I'm -- why is she a signatory**  
21 **to this account?**

22 A. My wife?

23 **Q. Yeah.**

24 A. Because I've went to India  
25 multiple times, so I needed someone to be a

428

1 signatory besides me. Khalil was recently added  
2 when he was onboarded, but my wife has been on  
3 there since maybe the start of this bank account.  
4 Also, we've added signatories now. But, yeah.

5 **Q. Okay. Does your wife provide**  
6 **any services for the company?**

7 A. No.

8 **Q. Oh, whoops.**

9 **Oh, no. Did I just kick**  
10 **everyone off?**

11 **MR. BLANCHARD: No.**

12 **THE WITNESS: We're here.**

13 **MS. SCHAEFER: Okay. Because I**  
14 **just kicked myself off.**

15 **Okay. So I'm marking this next**  
16 **one 44.**

17 **(Marked Exhibit 44.)**

18 **BY MS. SCHAEFER:**

19 **Q. So this is a bank statement**  
20 **produced by Texas First Bank. So here it starts**  
21 **January '06, and I see that you're -- you're**  
22 **receiving payments, it looks like.**

23 **Are these -- I'm looking at**  
24 **the -- you know, here. This -- like, let's look**  
25 **at the second deposit. What does that reference?**

429

1 A. Can you reference what the  
2 second deposit is that you're referring to?

3 **Q. I'm just saying, what does the**  
4 **deposit -- does that indicate that these are**  
5 **consumer funds or is that a deposit -- someone**  
6 **made a deposit?**

7 A. Let me see where --

8 **MR. BLANCHARD: Objection.**

9 **Foundation. Speculation.**

10 **BY MS. SCHAEFER:**

11 **Q. I'm on the first page.**

12 A. Okay.

13 **Q. So I guess let's just take the**  
14 **first page here, and tell me what transactions**  
15 **here represent consumer funds being put into the**  
16 **account.**

17 A. Braintree.

18 **MR. BLANCHARD: Objection.**

19 **Speculation. Foundation.**

20 **THE WITNESS: Amazon. PayPal.**

21 **BY MS. SCHAEFER:**

22 **Q. Okay. So the -- your payment**  
23 **processors are -- the funds from the payment**  
24 **processing that's being put into this account?**

25 A. Correct.

430

1 **Q. And at all times until you**  
2 **started using this new account from March 2020**  
3 **onwards, were all, you know, revenues from sales**  
4 **of covered products put into this account?**

5 **MR. BLANCHARD: Objection.**

6 **Misstates prior testimony.**

7 **THE WITNESS: Correct.**

8 **MR. BLANCHARD: Well, the --**  
9 **what was the question, Michelle?**

10 **MS. SCHAEFER: I'm just -- I was**  
11 **asking whether all funds, all revenue**  
12 **from the sale of -- from the sale of**  
13 **consumer products -- I mean covered**  
14 **products end up in this account.**

15 **MR. BLANCHARD: Oh, okay.**

16 **THE WITNESS: That's correct.**

17 **BY MS. SCHAEFER:**

18 **Q. Okay. So you didn't start**  
19 **selling PP- -- covered products until the end of**  
20 **March 2020.**

21 **And so what do -- from, let's**  
22 **say, January here all the way to -- let's take it**  
23 **to March, to the extent you're getting revenues,**  
24 **where are the -- where are the revenues coming**  
25 **from, the sale of what products?**

431

1 A. My promotional products.

2 **Q. Let me get to March. Okay.**

3 **And so up through, let's say,**  
4 **right here, the end of March, revenue coming from**  
5 **noncovered products, then you start selling**  
6 **covered products and --**

7 A. What page are you on, Michelle?

8 **Q. What's that?**

9 A. What page are you on?

10 **Q. I'm on page 33.**

11 A. Okay.

12 **Q. Okay. So from, let's say, I**  
13 **don't know, March 24th onward, do the revenues**  
14 **that are coming into this account only relate to**  
15 **covered products or do they relate to both covered**  
16 **products and promotional products?**

17 A. Both.

18 **Q. Is there any way to**  
19 **differentiate between deposits related or revenue**  
20 **related to promotional products and revenue**  
21 **related to covered products?**

22 **MR. BLANCHARD: Objection.**

23 **Form.**

24 **BY MS. SCHAEFER:**

25 **Q. Just --**

432

1 A. Not from the bank statements.

2 **Q. And so if you were going to**  
3 **figure out exactly what revenues are tied to**  
4 **covered products, how would you go about**  
5 **determining that?**

6 A. I mean, the start would be the  
7 sheet that I gave you with all of the PPE  
8 products. It has the revenues on there.

9 **Q. Oh, the master spreadsheet?**

10 A. The one that has all of the PPE  
11 products.

12 Mike, if you can give the  
13 reference to that one. I don't know.

14 **Q. I'm sorry. I don't know -- I'm**  
15 **not sure what you're -- what spreadsheet you're**  
16 **referring to.**

17 MR. BLANCHARD: That's Zaappaaz  
18 11134.

19 MS. SCHAEFER: Okay.

20 BY MS. SCHAEFER:

21 **Q. So in terms of just the**  
22 **Braintree funding we see here, so that represents**  
23 **covered products and noncovered product revenue?**

24 A. Correct.

25 **Q. And is it the same for the**

433

1 **Stripe deposits?**

2 A. Correct.

3 **Q. And do you use this account to**  
4 **pay your American Express bills?**

5 A. Correct.

6 **Q. And your Visa bills, your**  
7 **Alliant Visa bills?**

8 A. Correct.

9 **Q. And so I'm on page 25, and I'm**  
10 **looking at the third deposit on -- from the top on**  
11 **the left-hand side, Remote Deposit, Texas First**  
12 **Bank RDA Services, Mobile Micro Business Capture**  
13 **GLITZ ATM.**

14 I'm wondering, what's -- who  
15 this deposit is coming from, if you can tell?

16 A. Page 25?

17 **Q. Yeah, page 25.**

18 A. Yeah. Which deposit?

19 **Q. So this third one from the**  
20 **bottom on the left, Texas First --**

21 A. Yeah.

22 **Q. -- Bank RDA Services.**

23 It says "Mobile Micro Business  
24 Capture GLITZ ATM."

25 A. Yeah. This is how -- so my --

434

1 my account is -- is a treasury management account,  
2 so I have a lot of accounts underneath -- under my  
3 portfolio. Now, this is something you might want  
4 to ask Texas First Bank, as to how they -- why  
5 they classify this, but it's just classified as  
6 GLITZ ATM because that's my master profile  
7 account. But the deposit is actually going to  
8 Zaappaaz, and it probably should have referenced  
9 the balance sheet.

10 **Q. Okay. Let's go to page 29.**

11 **What's this -- do you see the**  
12 **second transaction from the top, E-Trade ACH**  
13 **transfer, \$100,000. What's the E-Trade account?**  
14 **Whose E-Trade account is that?**

15 A. That is the company's E-Trade  
16 account.

17 **Q. Okay. And what does the company**  
18 **use the E-Trade account for?**

19 A. For trading purposes.

20 **Q. Is it under -- what -- whose**  
21 **name is it under?**

22 A. Zaappaaz.

23 **Q. All right. Okay.**

24 **So if you look at March 5th,**  
25 **there's a transaction for about \$73,000 to**

435

1 **Merchant Bank CD deposit.**

2 A. Okay.

3 **Q. Do you know -- it seems to be**  
4 **types of merchant processors.**

5 **Do you know what processor this**  
6 **is coming from?**

7 A. I want to say it's Fiserv.

8 **Q. Okay. All right.**

9 **Let's go to the very bottom.**  
10 **March 5th, there's all these international wires.**  
11 **What are the purposes of all of these**  
12 **international wires?**

13 A. Where are you?

14 **Q. I'm sorry. So I'm on page 35.**  
15 **March 5th, the last one, two, three, four --**

16 A. Yeah.

17 **Q. -- five, the -- those five**  
18 **transactions at the bottom, not including the very**  
19 **last one that say "International Wires."**

20 A. Yeah, these are various vendors.

21 **Q. And you're paying them?**

22 A. We are paying them, correct.

23 **Q. Okay. Let's go to page 40. Oh,**  
24 **actually, go to page 41.**

25 A. Okay.



436

1 **Q. So there is a -- there's wire**  
2 **checks being issued to MAK Solutions.**

3 A. What was your question?

4 **Q. Well, there's -- so I -- I'll**  
5 **ask another question.**

6 **So I see checks to MAK**  
7 **Solutions, ZT Brands, and MODI Solutions. What**  
8 **is --**

9 A. Those are --

10 **Q. -- the purpose of those checks?**

11 A. Those are distributions.

12 **Q. Okay.**

13 MR. BLANCHARD: Can we take a  
14 quick break, Michelle, or do you have a  
15 lot more on this?

16 MS. SCHAEFER: I've got, you  
17 know, a bunch of questions about just  
18 some specific transactions. I don't  
19 think it should take -- I mean, if I  
20 can just get through, like, this  
21 document, can we --

22 MR. BLANCHARD: Yeah.

23 MS. SCHAEFER: -- take a break  
24 after that?

25 MR. BLANCHARD: Yep.

437

1 MS. SCHAEFER: All right.  
2 BY MS. SCHAEFER:

3 **Q. Okay. So these are debits and**  
4 **other withdrawals. And it looks like debits are**  
5 **being made, you know, to the payment processors**  
6 **like Braintree, Merchant Bank CD --**

7 A. What page are you on?

8 **Q. I'm on page 51. I'm sorry. I'm**  
9 **sorry.**

10 **And what I'm wondering, if these**  
11 **debits and withdrawals to the payment processors**  
12 **are chargebacks?**

13 MR. BLANCHARD: Objection.

14 Foundation. Speculation.

15 THE WITNESS: Which one are you  
16 referring to? There's...

17 BY MS. SCHAEFER:

18 **Q. So there's a bunch. I mean,**  
19 **there's, as you see, Merchant Bank CD.**

20 **There's some --**

21 A. Yeah.

22 **Q. -- withdrawals and debits there?**

23 A. And then --

24 **Q. I see Braintree, although --**

25 A. Yeah, some will say

438

1 "chargebacks." Some will say "chargebacks." But  
2 if it's usually at the start of the month or end  
3 of the month, those are credit card fees. Like,  
4 for example, the one that's Merchant CD for  
5 34,000, those are credit card fees.

6 **Q. Where -- which -- which entry is**  
7 **that for 74,000?**

8 A. April 3rd. 34,000.

9 **Q. Are you on page 51? April 3rd?**

10 A. I am. It's the last --  
11 April 3rd. It's the last-to-the-fifth  
12 transaction.

13 **Q. I am not seeing -- okay.**  
14 **So you're on page 51?**

15 A. Five-one.

16 **Q. Five-one.**

17 A. Four-three.

18 **Q. And I'm looking at --**  
19 **four-three.**

20 **I see \$54. Before -- under**  
21 **that, I see \$144. 34,808.**

22 A. That's the one.

23 **Q. Oh, you said -- okay.**

24 **That represents fees?**

25 A. That is the credit card fees for

439

1 at least that processor, yes.

2 **Q. Okay. Do refunds come out of**  
3 **this account?**

4 A. Oh, yeah. You -- refunds, for  
5 example, like, if you look at Merchant Bank CD  
6 chargeback, \$54 -- it just depends on how these  
7 processors work. Either they take it out of your  
8 reserve or they'll pull it out from your bank.  
9 But in this case, this merchant pulled it out from  
10 my bank, \$54 or \$144, and -- et cetera.

11 **Q. And when it gets pulled out of**  
12 **the platform, how does that get reflected on**  
13 **paper, let's say?**

14 MR. BLANCHARD: Objection.  
15 Form.

16 THE WITNESS: If I receive -- I  
17 receive the differential. If it's the  
18 platform holding a hundred thousand and  
19 they took \$100 out of it, I received  
20 \$99,900 back into my bank account.

21 BY MS. SCHAEFER:

22 **Q. And I guess I know we're going**  
23 **to get more answers, but this is making me think**  
24 **of that master spreadsheet we saw before when it's**  
25 **talking about refunds, and I know -- tell me**

440

1 again, do those -- the refunds there, do they  
2 reflect funds coming out of this account or funds  
3 coming out of the platform or both?

4 A. Both.

5 Q. But they don't encompass all of  
6 the refunds, which include chargebacks?

7 A. Say that again.

8 Q. So it sounded like from what we  
9 were -- what you testified to before about the  
10 master spreadsheet, is that it did -- that did not  
11 contain all of the refunds that had been given --

12 A. Sure.

13 Q. -- related to covered  
14 products --

15 A. On the master sheet --

16 Q. -- right?

17 A. -- correct.

18 Q. Correct.

19 But what you're saying is it  
20 does encompass refunds that are given from your  
21 bank account and then directly from the platform;  
22 it just doesn't include all of them --

23 A. Yes.

24 Q. -- the master spreadsheet?

25 Okay.

441

1 A. Correct.

2 Q. So I'm on page 75.  
3 What is -- do you see Concord  
4 Marketing, \$8,311 to Concord Marketing?

5 A. One second.

6 Yep.

7 Q. What's Concord Marketing?

8 A. It's probably a customer that  
9 paid via wire transfer.

10 Q. Wait.

11 That's a customer that you're  
12 paying?

13 A. No. A customer that's paying me  
14 via wire transfer.

15 Q. Wait. But isn't it -- oh, okay.  
16 Yeah.

17 All right. Let's go to page 76.  
18 Way on the bot- -- May 11th, there is a  
19 million-dollar withdrawal that goes to Ionized  
20 funding. So what is that money -- why is that  
21 money being given to Ionized?

22 A. It's a loan. It was reversed  
23 back, I believe, at a later point.

24 Q. What was it a loan for?

25 A. To purchase goods.

442

1 Q. And is there documentation  
2 showing the loan?

3 A. No.

4 Q. Let's go to page 77. Same  
5 thing, May 14th, another million-dollar payment to  
6 Ionized.

7 A. That is correct. Same concept.

8 Q. Is that a loan?

9 A. Same con- -- correct.

10 Q. Okay. And is there, you know, a  
11 record of --

12 A. Yeah.

13 Q. -- that agreement, that loan?

14 Yes?

15 A. There's no record -- there's no  
16 record of it.

17 Q. Okay.

18 A. There's a -- a record of it  
19 being reversed back at a later point, I'm sure, in  
20 the -- in the bank statement.

21 Q. Oh, okay.

22 And would there be records of  
23 both transactions being reversed back?

24 A. Absolutely, yeah. Hundred  
25 percent.

443

1 Q. Okay. All right.

2 Let's go to June 8th. There's  
3 \$20,018 --

4 A. Page number, if you don't mind?

5 Q. Oh, I'm sorry. 84, 84, 84.

6 A. Okay.

7 Q. So there is on June 8th \$20,018  
8 deposited from GU to WB for hand sanitizer, and  
9 I'm just wondering if you know what GU is.

10 A. GU is Ionized. It's --

11 Q. And what are they paying you  
12 for?

13 A. Hand sanitizers.

14 Q. And what about the entry right  
15 below where it says "MP to WB"?

16 A. Mask Project. I believe that  
17 references Ionized Consulting paying us back for  
18 hand sanitizers.

19 Q. Why are -- why are the initials  
20 GU and MP used?

21 A. It was just an internal  
22 reference that we're using. GU is Globe Universe.  
23 It's also -- that's what Ionized sells. We sell  
24 globe products. We just were -- gotten into  
25 this PPE stuff, but -- and Mask Project is Mask

444

1 Project. It's -- it was a new company created.  
2 Ionized Consulting. So those are the  
3 abbreviations.

4 **Q. Are there any other**  
5 **abbreviations for Ionized that you use?**

6 A. Nothing on top of my head. But  
7 if any do come up, I will -- I will let you know.

8 **Q. Okay. All right.**

9 **At the very bottom here, it's**  
10 **just a Stripe transfer --**

11 A. Mm-hmm.

12 **Q. -- 6/24 on page 85.**

13 **There's a Stripe transfer,**  
14 **second from the last, for \$265,000, approximately?**

15 MR. BLANCHARD: Page 85.

16 THE WITNESS: Oh.

17 Yes. Okay.

18 BY MS. SCHAEFER:

19 **Q. Is that just revenue from --**

20 A. Correct.

21 **Q. -- credit cards?**

22 A. Correct.

23 **Q. Who is Tajdin Momin?**

24 A. That's my uncle.

25 **Q. Does he have any part in**

446

1 A. No, it's not. And I don't think  
2 my uncle is on it. I think they got -- the  
3 business name is referencing my uncle's name, but  
4 this is -- my uncle is not officially on the  
5 account.

6 **Q. Okay. What is this account used**  
7 **for?**

8 A. This is for MAK Brands, the  
9 company MAK Brands.

10 **Q. Okay. All right.**

11 **Let's go to page 336. Okay. So**  
12 **this is account 3-52002, and it's Zaappaaz, and I**  
13 **guess your wife is there too. Is this a Zaappaaz**  
14 **account?**

15 A. This -- this card is under my  
16 wife's name, that's correct.

17 **Q. But is it a business account?**

18 A. It is.

19 **Q. Okay. Why is her name on it if**  
20 **she's not part of the business?**

21 A. It's issued under her account.  
22 Better credit.

23 **Q. Why is -- what's that? Why is**  
24 **it under her account?**

25 A. It was giving better credit. I

445

1 **Zaappaaz, running the business or operating it?**

2 A. No.

3 **Q. All right. That's all I have**  
4 **for this document.**

5 MR. BLANCHARD: All right.

6 Quick break? Five minutes?

7 MS. SCHAEFER: Sure.

8 (Off the record from 4:37 until  
9 4:46.)

10 BY MS. SCHAEFER:

11 **Q. Can you see my screen?**

12 A. Yep.

13 **Q. Okay. So this is outside of**  
14 **Agile because it wouldn't load. I think it's too**  
15 **big.**

16 **And I'm going to mark this as**  
17 **Zaappaaz 45.**

18 (Marked Exhibit 45.)

19 BY MS. SCHAEFER:

20 **Q. This is American Express'**  
21 **production. And let's go to page 11. So this is**  
22 **account 35005. And, Azim, you're on it, and your**  
23 **uncle is on it.**

24 **Is this account related to**  
25 **Zaappaaz at all?**

447

1 had -- I had mine as well. I just had other  
2 accounts with American Express. I issued it under  
3 hers.

4 **Q. Do you have this account -- a**  
5 **separate account for Zaappaaz that you're on?**

6 A. No, I'm not.

7 **Q. So is this the only American**  
8 **Express account used for Zaappaaz?**

9 A. That is correct.

10 **Q. I thought I saw Fatima on this**  
11 **account as well?**

12 A. Yeah, that's an employee card.

13 **Q. Okay. Do you know the**  
14 **company -- I'm trying to find -- but the company**  
15 **Advertising Specialities?**

16 A. Yeah, that's ASI.

17 **Q. Oh, okay. All right.**

18 **Why don't we go to page 556. So**  
19 **is this account used to pay for Google?**

20 A. This credit card is used to pay  
21 Google, correct.

22 **Q. Okay. And so let's look at**  
23 **that -- okay. So look at the third entry from the**  
24 **top, March 14th, 2020.**

25 A. Okay.

448

1 Q. It says "Google Ads," and then  
2 there's a number.

3 And that number is Zaappaaz's  
4 registration number with Google?

5 A. Correct.

6 Q. There are other -- right below  
7 is another number?

8 A. Correct.

9 Q. What number does that relate to,  
10 if you know?

11 A. Yeah, we have AdWords accounts  
12 for -- you remember the domains that I mentioned?  
13 Custom Balloons, Custom Tattoos, Fast Koozie  
14 and -- et cetera. So each -- Google has a  
15 different account for each domain.

16 Q. Okay. And this account is  
17 paying expenses related to -- is this account used  
18 to pay expenses related to promotional products  
19 and covered products?

20 A. The one that are for covered  
21 products are the two accounts for Custom Lanyard  
22 and Wrist-Band.com.

23 Q. Those are used for covered  
24 products?

25 A. And promotional products.

449

1 Q. Okay. So -- sorry. I'm sorry.  
2 Say that again.

3 So what's used for covered  
4 products and noncovered products?

5 A. So there are two of them, and I  
6 think it's maybe 6178 and -- two of the heavy  
7 hitters that you constantly see as charges  
8 happening, those are the two accounts for -- used  
9 for promotional products and -- and PPE products.

10 Q. Okay. See, I'm not  
11 understanding. I'm sorry.

12 A. So 6178, do you see that?

13 Q. Where -- where on this page?

14 A. Yeah, do you see the first --  
15 the first line item right there?

16 Q. Yep, yep.

17 A. We're just going to reference  
18 the last four digits, 5401.

19 Q. Oh, okay.

20 A. Okay? That's one account. And  
21 then if you go down two, you'll see 6178. That's  
22 another account. And then if you go down another  
23 one --

24 Q. Yeah.

25 A. -- it's 7121.

450

1 That's another account.

2 Q. Yep.

3 A. And then 6178, which repeats  
4 again.

5 Q. Okay.

6 A. What I'm saying is all the --  
7 those are account numbers for Google AdWords.

8 Q. Right.

9 A. Now, there are two domains,  
10 there are two accounts on Google AdWords that  
11 advertise PPE products.

12 Q. Okay. Which ones are those?

13 A. I believe one is 6178, and the  
14 other one -- I mean, I could probably decipher it  
15 real quick if you find out, like, which one is  
16 repeating the most. 6178 and...

17 MR. BLANCHARD: Well, we'll get  
18 that to you, Michelle, what the other  
19 one is.

20 MS. SCHAEFER: Okay.

21 BY MS. SCHAEFER:

22 Q. But those two are used solely  
23 for covered product --

24 A. No.

25 Q. -- advertisements?

451

1 A. They're used for both.

2 Q. For both. Okay.

3 And are there any other accounts  
4 associated with Zaappaaz?

5 MR. BLANCHARD: Objection.  
6 Form.

7 THE WITNESS: If you could be  
8 clear, I mean, other accounts  
9 associated with Zaappaaz with what?

10 BY MS. SCHAEFER:

11 Q. I guess my -- let me go back to  
12 my question.

13 So I want to know whether there  
14 are any of your Google Ad accounts that just  
15 advertise covered products.

16 A. No, none of them do.

17 Q. Are there any Google Ad accounts  
18 that just advertise promotional products?

19 A. Yes.

20 Q. Which ones are those?

21 A. I can't tell you from this.

22 Q. Okay. But then there's you say  
23 two others where the accounts are tied to both  
24 covered products and noncovered products?

25 A. Correct.

<p style="text-align: right;">452</p> <p>1 <b>Q. Okay. And you can provide those</b>  2 <b>to me?</b>  3 A. Sure. I think we provided it  4 already. It's the two transactions -- or the two  5 reports we gave for Google, whatever those  6 accounts are, those -- those are it, but --  7 <b>Q. Oh, so those spreadsheets</b>  8 <b>contain the two account numbers?</b>  9 A. That's correct. It should have  10 the account numbers on there.  11 <b>Q. Okay. Let's go to page 594.</b>  12 <b>Tell me when you're there.</b>  13 A. We're following your screen,  14 so...  15 <b>Q. You're on 594?</b>  16 MR. BLANCHARD: Well, we're  17 looking at your screen.  18 MS. SCHAEFER: Oh, okay. So you  19 see it. Okay.  20 BY MS. SCHAEFER:  21 <b>Q. So on May 6th -- let's see.</b>  22 <b>Do you see my pointer there?</b>  23 A. I do.  24 <b>Q. Here? Okay.</b>  25 <b>So what is SquareUp.com</b></p>	<p style="text-align: right;">454</p> <p>1 misspelling on FedEx's side they were  2 issuing a refund on.  3 BY MS. SCHAEFER:  4 <b>Q. Oh, okay.</b>  5 <b>Was this account, do you know,</b>  6 <b>used to pay for your FedEx expenses?</b>  7 MR. BLANCHARD: Objection.  8 Form. You mean Zaappaaz?  9 MS. SCHAEFER: Yeah.  10 THE WITNESS: Was this credit  11 card account used to pay FedEx bills?  12 BY MS. SCHAEFER:  13 <b>Q. Yeah. I'm just wondering.</b>  14 A. Yeah. Yes, correct.  15 <b>Q. All right. I'm marking this 46.</b>  16 <b>(Marked Exhibit 46.)</b>  17 BY MS. SCHAEFER:  18 <b>Q. What is account number 6221 used</b>  19 <b>for?</b>  20 A. 6221? The Alliant --  21 <b>Q. Yeah.</b>  22 A. -- credit card?  23 It's used for --  24 <b>Q. Yeah.</b>  25 A. -- Zaappaaz's billing.</p>
<p style="text-align: right;">453</p> <p>1 <b>receipts?</b>  2 A. I don't know what that is, but  3 that is a vendor we use for sanitizers.  4 <b>Q. Oh, okay.</b>  5 <b>Page 928 here, there's all these</b>  6 <b>FedEx charges. Are these -- what are these</b>  7 <b>charges for?</b>  8 MR. BLANCHARD: Objection.  9 Speculation. Foundation.  10 THE WITNESS: These are refunds.  11 I don't think they're charges.  12 BY MS. SCHAEFER:  13 <b>Q. Oh, refunds?</b>  14 A. Yeah.  15 <b>Q. Refunds to Zaappaaz from FedEx?</b>  16 A. That's correct.  17 MR. BLANCHARD: Objection.  18 Form. Speculation. Foundation.  19 BY MS. SCHAEFER:  20 <b>Q. Are they refunds from FedEx?</b>  21 A. That's correct.  22 <b>Q. Okay. What are they refunds</b>  23 <b>for?</b>  24 MR. BLANCHARD: Same objection.  25 THE WITNESS: I think it was a</p>	<p style="text-align: right;">455</p> <p>1 <b>Q. For its billing?</b>  2 A. Any purchases for Zaappaaz.  3 <b>Q. Oh, okay.</b>  4 <b>So I'm looking at this page. So</b>  5 <b>is it -- you're paying for Google?</b>  6 A. Mm-hmm.  7 MR. BLANCHARD: What page,  8 Michelle?  9 MS. SCHAEFER: The second page.  10 There's just a -- page -- I was on  11 page 3.  12 BY MS. SCHAEFER:  13 <b>Q. So this is used to pay</b>  14 <b>Zaappaaz's expenses?</b>  15 A. Yep, correct.  16 <b>Q. Okay. What are Zaappaaz's</b>  17 <b>expenses --</b>  18 MR. BLANCHARD: Objection.  19 BY MS. SCHAEFER:  20 <b>Q. -- relating to the sale of</b>  21 <b>covered products?</b>  22 MR. BLANCHARD: Objection.  23 Overly broad. Vague. Foundation.  24 Compound.  25 THE WITNESS: If you could</p>



456

1 repeat that, Michelle?

2 BY MS. SCHAEFER:

3 **Q. What expenses are related to**  
4 **selling covered products?**

5 MR. BLANCHARD: Same objection.

6 THE WITNESS: Advertising, HR,  
7 warehousing, shipping, marketing.

8 BY MS. SCHAEFER:

9 **Q. Staff employment?**

10 A. Yeah. That's -- that's most of  
11 it.

12 **Q. That's most of it? So what you**  
13 **listed was most of it?**

14 A. And cost of goods.

15 **Q. Okay.**

16 (Marked Exhibit 47.)

17 BY MS. SCHAEFER:

18 **Q. Okay. I marked Exhibit 47, this**  
19 **document.**

20 And if you recall, yesterday I  
21 showed you a document, it was an email between  
22 you, Khalil, and Empire PayTech, and it related to  
23 Zaappaaz being put into a chargeback reduction  
24 plan, and you couldn't recall whether it was ever  
25 submitted. And so here is an email -- and you can

457

1 go ahead and read it, but it's from Khalil to  
2 Sarfaraz at Empire PayTech saying "Please use this  
3 attachment."

4 So I'm wondering, does this  
5 refresh your recollection in terms of having to  
6 have submitted a chargeback reduction template?

7 A. I don't know. Maybe it was. I  
8 wasn't involved in it.

9 **Q. But you're copied here on the**  
10 **email, so you must have been aware of it?**

11 A. I was definitely aware of it. I  
12 don't know if it was sent out, the document was  
13 sent out or not. I wasn't -- I didn't play a  
14 hands-on role in this. I think Khalil handled  
15 most of it.

16 **Q. Okay.**

17 (Marked Exhibit 48.)

18 BY MS. SCHAEFER:

19 **Q. Okay. This is -- I've marked it**  
20 **as Zaappaaz 408 [sic]. And Karishma prepared a**  
21 **chargeback report for 2020.**

22 Would she often prepare  
23 chargeback reports for you?

24 A. No.

25 **Q. Why did ask you her to prepare**

458

1 one here?

2 A. Because I believed the account  
3 was locked, so we had -- there was no way for us  
4 to pull it from the back end.

5 **Q. Okay. And why -- why would you**  
6 **need the chargeback information?**

7 A. So we know who did a chargeback  
8 and how to respond to them.

9 **Q. Was there a preference for**  
10 **Zaappaaz to -- one way or the other to issue**  
11 **refunds from its banking account as opposed to**  
12 **issuing refunds from the platform? Was one more**  
13 **beneficial than the other to Zaappaaz?**

14 A. It wasn't in our control.

15 **Q. So is it the payment processor**  
16 **that actually has control over whether it's going**  
17 **to come out of the reserves or your account?**

18 A. That's correct. I mean, really,  
19 a reserve doesn't really -- they hold the reserve  
20 for a day, so it's -- doesn't really -- it's not  
21 like it's benefi- -- they're holding a reserve for  
22 one day. It's a one-day gap of getting the funds  
23 transferred into my account. So if they take it  
24 from the reserve or my bank account, not --  
25 there's not much of a benefit or not a benefit, I

459

1 guess. But it wasn't in our control at --

2 **Q. Do they ever just hold the**  
3 **reserves in general and lock you out?**

4 A. In this case, yes. Empire  
5 PayTech, yes, they had a reserve because of --

6 **Q. And why did they lock you out?**

7 A. Well, we started -- we were  
8 doing only, let's say, X amount of dollars daily,  
9 and then we did X times 20 per day. So because of  
10 the increase in volume, they were a little  
11 skeptical as to how did you increase overnight.  
12 So that's -- it's a -- it's an underwriting issue  
13 within their system that they have to do it.

14 **Q. Were they also concerned that**  
15 **you were selling medical products but you hadn't**  
16 **applied for a merchant account to sell those?**

17 MR. BLANCHARD: Objection.

18 Calls for speculation. Foundation.

19 THE WITNESS: I don't think we  
20 had the issue of that, no.

21 BY MS. SCHAEFER:

22 **Q. Okay. So that is 48.**

23 (Marked Exhibit 49.)

24 BY MS. SCHAEFER:

25 **Q. This is Zaappaaz 49. And this**

460

1 is a chargeback report that's actually attached to  
2 the email we were just looking at.

3 And so is this the -- this is  
4 the chargeback report that she prepared; is that  
5 correct?

6 MR. BLANCHARD: Objection.

7 Calls for speculation. Foundation.

8 THE WITNESS: Yes.

9 BY MS. SCHAEFER:

10 Q. As far as you can tell, is this  
11 the chargeback report?

12 A. Yes.

13 Q. And this represents chargebacks  
14 related to Fiserv?

15 A. Yes.

16 Q. And is it therefore related to  
17 Braintree?

18 A. I mean, you have to really  
19 understand the relationship, I guess. But I  
20 mentioned yesterday --

21 Q. Do you understand it?

22 A. Yeah. I mentioned yesterday  
23 Braintree is a gateway, so I really --

24 Q. Okay.

25 A. -- don't need to have Braintree

461

1 to process, but for my website to communicate with  
2 Fiserv, I need an intermediary, which is the  
3 gateway, which is Braintree, so...

4 Q. Is Stripe a gateway too?

5 A. Stripe is a gateway of its own.  
6 It's a processor and a gateway, two in one.

7 Q. And tell me again -- so these  
8 are the chargebacks or the -- it looks like the  
9 chargeback disputes and the result of those  
10 chargeback disputes.

11 And so again I'm going to ask  
12 you, to the extent that you lost these disputes  
13 and the consumer got the money back, in these  
14 instances as reflected in the chart, would those  
15 come from both your account and the platform? It  
16 just would depend?

17 MR. BLANCHARD: Objection.

18 Form.

19 THE WITNESS: It would come from  
20 my money, if that's what you're asking.

21 BY MS. SCHAEFER:

22 Q. It would come from what?

23 A. It would come from my money.

24 I -- I -- I...

25 Q. Right.

462

1 Well --

2 A. I'm just trying to clarify  
3 that --

4 Q. -- it would come from your money  
5 via the reserves on the platform or via, you know,  
6 the funds that are already in your depository  
7 account?

8 A. Yeah, Michelle, we didn't have  
9 control over however they adjusted the -- yeah,  
10 so...

11 Q. Right. You said that. Okay.

12 A. Yeah, we don't have control of  
13 that.

14 Q. And so just so I'm clear again,  
15 so some of these chargebacks would be reflected in  
16 the master chart but not necessarily all of these?

17 A. That is correct.

18 Q. This is Exhibit 50.

19 (Marked Exhibit 50.)

20 BY MS. SCHAEFER:

21 Q. And you can go ahead and read  
22 the email.

23 A. Okay.

24 Q. Okay. Let's go to the very  
25 bottom of -- like, the very first string at the

463

1 bottom. So this is February 27th, before you're  
2 selling covered products, and someone from  
3 Braintree is saying there was a large spike in  
4 refunds and a big drop-off in sales.

5 Why is that at this point when  
6 you're selling promotional products?

7 A. You're on page 4?

8 Q. I'm on page 4.

9 A. Okay.

10 Q. Very bottom.

11 A. Can you start the sentence off?

12 Q. Yeah. So it says "Hi, Azim, I  
13 hope this email finds you well. Your WB Promotion  
14 account was recently flagged due to a recent  
15 decrease in your processing volume. We noticed  
16 today there was a large spike in refunds and a big  
17 drop off in sales."

18 What I'm wondering is whether  
19 the pandemic at this point was already affecting  
20 China and, therefore, your sale of promotional  
21 products. So was that the case? Is that why  
22 there was a drop in sales?

23 A. No, I think -- I don't know if I  
24 switched over to the different processor.  
25 Obviously they said it's a drop in processing

464

1 because we stopped using them, maybe. But if we  
2 weren't processing anything and we were getting  
3 maybe two or three chargebacks on a daily basis,  
4 then that's obviously -- the ratio is much higher  
5 than the volume that we're doing. I'm assuming  
6 that's what it is.

7 **Q. Okay. And so I'm going up a few**  
8 **strings.**

9 **And do you see where my pointer**  
10 **is?**

11 A. No, I do not. I just -- page  
12 number?

13 **Q. Okay. Sorry. So it's still**  
14 **page 4. It's three strings above where we were,**  
15 **and it starts -- it's from you.**

16 "Our production has slowed down  
17 and supply chain has been distrusted due to corona  
18 virus. We are working with customer in case by  
19 case basis to resolve all orders that are being  
20 delayed."

21 So at this point, it's  
22 March 12th, you haven't even started selling  
23 covered products. So does this relate to the sale  
24 of promotional products?

25 A. It has to be promotional

466

1 **Q. The first -- yeah, this -- that**  
2 **email is in -- yeah, April 3rd. Well, no. Yes,**  
3 **April 3rd.**

4 A. And then the first response was,  
5 I believe, in February?

6 **Q. Yeah, their first email was at**  
7 **the very end of February.**

8 A. So that was before when we were  
9 selling PPE, so I don't think it had any bearings  
10 on that. I think we stopped using them before we  
11 even started PPE products.

12 (Marked Exhibit 51.)

13 BY MS. SCHAEFER:

14 **Q. I'm marking -- I've marked this**  
15 **Zaappaaz 51.**

16 Yesterday you testified that you  
17 thought Amazon shut your account down because we  
18 filed our lawsuit. But this is a note from Amazon  
19 in May 28, 2020, shutting down your account for  
20 high chargebacks. So does that refresh your  
21 recollection that your account was shut down  
22 May 28th, 2020?

23 MR. BLANCHARD: Objection.  
24 Speculation. Foundation.  
25

465

1 products, yes.

2 **Q. Okay. Okay.**

3 Let's go -- so if you go further  
4 up and you read it, you'll see that they're  
5 telling you -- and I'm just representing what the  
6 email says, that it appears -- okay. So I'm on  
7 page 2, the very top. I'm reading the second  
8 paragraph where it says "Secondly."

9 **Do you see that?**

10 A. Mm-hmm.

11 **Q. So here they're telling you you**  
12 **pivoted away from main products because you're**  
13 **selling covered products, which are medical**  
14 **products to them, and then they say you didn't**  
15 **apply to sell that with this merchant account, and**  
16 **they ask you at some point to remove the products**  
17 **from your website. And it seems like you never**  
18 **answer them, and so at the end they say they're**  
19 **going to have to terminate your account.**

20 **Was the fact that they wanted**  
21 **you to remove medical products from your website**  
22 **the reason you stopped processing -- using them as**  
23 **a gateway?**

24 A. No. I think this -- this email  
25 is back in April, correct?

467

1 BY MS. SCHAEFER:

2 **Q. Do you recall them shutting down**  
3 **your part -- your account for high chargebacks?**

4 A. I do recall that. And I do  
5 recall -- I -- I would like to put in there that I  
6 believe it was cause of this lawsuit because we  
7 were unable to process any refunds, any  
8 transactions because we were locked out before  
9 this email was even sent to us. So our account  
10 was completely locked and preventing us from doing  
11 any refunds or any transactions on -- on Amazon  
12 Pay.

13 **Q. Before --**

14 A. This --

15 **Q. -- you received this notice?**

16 A. Before we received this notice.

17 **Q. And so what's your point about**  
18 **that? I'm not understanding what the point is.**

19 A. My point is we weren't able to  
20 respond to any disputed transactions that were  
21 coming up on Amazon Pay. That's what my point  
22 was, yes.

23 **Q. Oh, I see.**

24 **They had shut you down, and so**  
25 **you couldn't --**

468

1 A. Well, when we logged into our  
2 account, it says your account was locked. So it  
3 was preventing us from doing any refunds or  
4 responding to any disputes.

5 **Q. Okay. Got it.**

6 **Okay. This is marked -- well,**  
7 **now I don't see where I marked it. I thought I**  
8 **marked it 52.**

9 **(Marked Exhibit 52.)**

10 BY MS. SCHAEFER:

11 **Q. Do you guys see the exhibit?**

12 A. Yes.

13 **Q. But you don't -- I don't see the**  
14 **exhibit sticker.**

15 A. I see it. It's there.

16 **Q. It is? Okay.**

17 A. Yeah.

18 **Q. Did you receive these types of**  
19 **notices from Amazon?**

20 A. I'm sure it came in some form or  
21 fashion in one of the email boxes.

22 **Q. So after you started selling**  
23 **covered products in March 20- -- yeah, at the end**  
24 **of March 2020, did there -- did there come a point**  
25 **in time when the shipments and delivery of covered**

469

1 **products became more -- let's say, you could**  
2 **deliver on time and ship on time? Did there --**  
3 **did there come a period where everything sort of**  
4 **normalized --**

5 A. It -- it --

6 **Q. -- and got better?**

7 A. -- was a rollercoast- -- it was  
8 a rollercoaster.

9 I mean, if you would graph our  
10 delivery metrics, you could see that it's a  
11 rollercoaster. It gets better, and then something  
12 happens and then it spikes again. It gets better,  
13 and something happens. Again as we speak today,  
14 we're having issues again. So we are -- we are --  
15 I don't think anything has normalized as of yet.

16 **Q. Are you experiencing the same**  
17 **level of delays as you did in March and April and**  
18 **May of 2020?**

19 A. No.

20 **Q. Do you still have chargebacks**  
21 **related to the sale of covered products?**

22 A. We always have chargebacks since  
23 the start of -- start of the company. But even --  
24 we still get chargebacks as of today. Mostly  
25 fraudulent, I believe.

470

1 **Q. What does that mean, mostly**  
2 **fraudulent?**

3 A. A lot of these chargebacks are  
4 fraudulent chargebacks, meaning like they're  
5 using -- they're either not recognizing the charge  
6 and they're saying it's a fraud charge -- because  
7 imagine seeing something on the statement that  
8 says -- on the statement, if you order from us,  
9 it's going to say "Wrist-Band." And a customer  
10 really doesn't recognize that they ordered medical  
11 masks from Wrist-Band. It doesn't make sense.  
12 But they did. So they would call their bank and  
13 they'll say it's a fraud charge because they don't  
14 recognize it.

15 So once you categorize those,  
16 you'll see that the credit card processor has  
17 different categories, either product not  
18 acceptable or fraudulent or whatever it may be.  
19 But that's...

20 **Q. Are you -- are you still getting**  
21 **chargebacks related to, you know, late deliveries**  
22 **and late shipments?**

23 A. Possibly, possibly not. I'm not  
24 sure.

25 **Q. Have the chargebacks since**

471

1 **August 2020 ever reached the level that they did**  
2 **in March, April, May, June of 2020?**

3 A. No. It would -- we wouldn't be  
4 with that processor.

5 **Q. And since August 2020, what**  
6 **processors have you used?**

7 A. Stripe.

8 **Q. Let's say -- let's say**  
9 **processors and, I guess, gateways. Go ahead.**

10 A. Stripe.

11 **Q. Stripe?**

12 A. Stripe and PayPal.

13 **Q. And after August 2020, to the**  
14 **extent that you can't deliver things within the**  
15 **promised or advertised shipping time, do you**  
16 **contact consumers and offer them refunds or the**  
17 **opportunity to cancel?**

18 A. We do -- we do not contact them,  
19 but now we do notify them if there is -- if their  
20 goods are delayed, we do notify them via email.

21 **Q. And do you offer them an**  
22 **opportunity to cancel or get a refund?**

23 A. If -- that is the protocol of  
24 the company. If they do not want their goods,  
25 they're -- they're issued a full refund.



472

1 **Q. But do you say that in the email**  
2 **to them?**

3 A. We do not specifically say that  
4 in the email. We ask them to give us a call.

5 **Q. Okay. Did you use some**  
6 **mechanism that auto-forwarded your emails to**  
7 **Fatima and Khalil?**

8 A. Possible on some emails. Well,  
9 Khalil never needed to be --

10 **Q. Why would -- why would you --**

11 A. Yeah, let me clarify.

12 **Q. I'm sorry.**

13 A. Khalil never needed to be  
14 auto-forwarded. We all -- we use the same email  
15 box.

16 **Q. I see.**  
17 **Why would emails -- why would**  
18 **your emails need to be auto-forwarded to Fatima?**

19 A. If it's a customer  
20 service-related issue, it's not something I need  
21 to handle.

22 MS. SCHAEFER: Can we take maybe  
23 a ten-minute break? I think I'm --

24 MR. BLANCHARD: Yes.

25 MS. SCHAEFER: -- almost done.

474

1 inventory are being drained out in a day or less  
2 and we have to run 24/7 mass production and stock  
3 these now. And then also FedEx shipping  
4 facilities have an overflow."

5 So I thought you said that you  
6 never had an inventory problem, but isn't this  
7 showing that, in fact, you did have an inventory  
8 problem and there was a supply-and-demand issue?

9 MR. BLANCHARD: Objection.

10 Compound. Objection. Misstates the  
11 document. Objection. Calls for  
12 speculation. Objection. Foundation.

13 BY MS. SCHAEFER:

14 **Q. Let me rephrase my question.**

15 My question is, did you ever  
16 experience issues with low inventory and not being  
17 able to fulfill orders because you didn't have  
18 enough inventory to fulfill them?

19 A. No.

20 **Q. So why is Freddy saying that's**  
21 **the case?**

22 MR. BLANCHARD: Objection.

23 Calls for speculation. Lack of  
24 foundation.

25 THE WITNESS: Freddy does not

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1 I just want to go through and  
2 see if there's anything else I want to  
3 ask.

4 MR. BLANCHARD: All right.  
5 Ten minutes. Thanks.

6 MS. SCHAEFER: Thanks.

7 (Off the record from 5:32 until  
8 5:46.)

9 MS. SCHAEFER: I just have a  
10 couple more and then we'll be done.

11 MR. BLANCHARD: Great.

12 (Marked Exhibit 53.)

13 BY MS. SCHAEFER:

14 **Q. Okay. So I've marked this as**  
15 **Zaappaaz 53.**

16 **It's a chat between the company**  
17 **and an angry consumer. So you can go -- go ahead**  
18 **and read it.**

19 A. Okay.

20 **Q. Okay. So I want to go to -**  
21 **let's see - that big paragraph on page 1, 14:49.**

22 **And the second paragraph, that**  
23 **says "Orders and product demand is very high and**  
24 **we're trying to best our meet the needs and reach**  
25 **the supplies all over the USA. Trucks full of**

475

1 know what's going on, I guess,  
2 logistically with China, customs,  
3 getting it to us, getting it in the  
4 warehouse's hands. He does not know  
5 that you can no longer ship from China  
6 to the customer. He does not know that  
7 we have to now reroute everything from  
8 China to the warehouse to the customer.  
9 So maybe all that information is not  
10 been funneled to him correctly as we  
11 are working the back end to restructure  
12 everything at this time period.

13 So I think you're maybe  
14 misclassifying the way he's saying it,  
15 but I don't think he is saying  
16 inventories were low. I think he's  
17 saying that the logistics were not  
18 getting the products to the right  
19 places for us to process the order.

20 BY MS. SCHAEFER:

21 **Q. Okay. But you also said that he**  
22 **may have not known all of the facts and**  
23 **circumstances surrounding all of the delays?**

24 A. Well, nor did I. I mean, I was  
25 learning them as we go, so I -- I don't blame



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1 Freddy. I was learning as we go too.  
 2 **Q. And is Freddy one of the CSRs?**  
 3 A. He is.  
 4 **Q. And these are the CSRs that**  
 5 **Fatima and Eroze were supervising?**  
 6 A. Correct.  
 7 **Q. Were these CSRs given any sort**  
 8 **of written guidelines?**  
 9 A. No.  
 10 MR. BLANCHARD: Objection.  
 11 Calls for speculation.  
 12 BY MS. SCHAEFER:  
 13 **Q. You said -- you answered no?**  
 14 A. I answered no, yes.  
 15 **Q. Did you ever have any direct**  
 16 **conversations with the CSRs?**  
 17 A. If I did?  
 18 **Q. Yeah.**  
 19 A. I would usually speak with  
 20 Fatima and Eroze. I would have very minimal  
 21 conversation with -- minimal to no conversation  
 22 with the CSRs.  
 23 (Marked Exhibit 54.)  
 24 BY MS. SCHAEFER:  
 25 **Q. Okay. I've marked this exhibit**

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1 as 54.  
 2 **You can go ahead and read it.**  
 3 A. Yeah, I'm good.  
 4 **Q. Okay. So we saw a lot of**  
 5 **complaints where consumers are saying that they**  
 6 **received, you know, damaged products. And here it**  
 7 **seems like you've shipped 25 boxes of hand**  
 8 **sanitizer and almost the entire shipment was**  
 9 **damaged.**  
 10 **Were you packaging them**  
 11 **incorrectly --**  
 12 A. No, but we --  
 13 **Q. -- and was that resulting in**  
 14 **damages?**  
 15 A. I don't think we were packaging  
 16 them incorrectly. I think they were being handled  
 17 incorrectly. So in response to that, we received  
 18 refunds for most of the packages that were damaged  
 19 by FedEx.  
 20 (Marked Exhibit 55.)  
 21 BY MS. SCHAEFER:  
 22 **Q. Okay. So I've marked this 55.**  
 23 **So the emailed I showed you**  
 24 **before was in May, and now you're getting an email**  
 25 **in July where Darren Schmidt from FedEx is**

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1 **attaching attachments from the packaging engineer**  
 2 **regarding shipping and sanitizer.**  
 3 **If you weren't packing**  
 4 **incorrectly, why is he sending this to you?**  
 5 MR. BLANCHARD: Objection.  
 6 Calls for speculation. Argumentative.  
 7 BY MS. SCHAEFER:  
 8 **Q. When those are the procedures**  
 9 **there attached?**  
 10 A. Darren is a sales rep. If he's  
 11 seeing that a lot of packages are getting damaged,  
 12 it is his job, I would assume, to notify us on --  
 13 that we are doing what we need to do. But you  
 14 could ask FedEx why they refunded us. But I think  
 15 that Darren was a -- a great sales rep and helping  
 16 us make sure that we covered all of the areas that  
 17 need to be covered, if it was FedEx's fault or our  
 18 fault. But I believe FedEx was mishandling many  
 19 of the packages. That's why we received a refund  
 20 on those packages as the record shows.  
 21 **Q. Okay. All right.**  
 22 **So I have a question about**  
 23 **people you sold covered products to. So I know**  
 24 **the consumers would buy directly from you, they**  
 25 **would go to your website. But there's emails**

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1 **showing that you were also selling to companies**  
 2 **who then would turn around and sell those covered**  
 3 **products to end users.**  
 4 **So you were selling to -- I'll**  
 5 **call them "middle men," so to speak; is that**  
 6 **right?**  
 7 A. I don't know if they were, but  
 8 I -- I would presume so.  
 9 **Q. So there are -- I see emails**  
 10 **with Office Depot, for example.**  
 11 **Does that ring a bell?**  
 12 A. We have thousands of customers,  
 13 but, I mean, I don't --  
 14 **Q. I'll pull up -- I'll pull up an**  
 15 **example.**  
 16 A. Okay.  
 17 **Q. Well, I can't find it right now,**  
 18 **so you lucked out.**  
 19 **Let me ask you one more**  
 20 **question. So MITOR requires that you ship**  
 21 **products within the advertised time or offer a**  
 22 **refund and cancellation. And to the extent you're**  
 23 **going to show that products were shipped on time,**  
 24 **what is it that you would -- are going to rely on?**  
 25 MR. BLANCHARD: Objection.

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1 Calls for a legal conclusion.  
 2 Objection. Overly broad. Vague.  
 3 THE WITNESS: Michelle, one more  
 4 time on your question.  
 5 BY MS. SCHAEFER:  
 6 **Q. So what -- what documentation**  
 7 **shows that you shipped products within the time**  
 8 **advertised or told to consumers?**  
 9 MR. BLANCHARD: Same objection.  
 10 THE WITNESS: What shows it or  
 11 what made me think that it should  
 12 deliver on that time?  
 13 MR. BLANCHARD: She's asking  
 14 what documentation shows it.  
 15 THE WITNESS: Well, the tracking  
 16 number shows it. The history of our  
 17 eight years with shipping with FedEx  
 18 and UPS shows their -- their history of  
 19 delivering goods. The -- our customer  
 20 reviews from Shopper Approved with over  
 21 80,000 reviews with a  
 22 four-and-a-half-star rating, that shows  
 23 it. So I think we had confidence in --  
 24 in -- in the process, yeah.  
 25

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1 BY MS. SCHAEFER:  
 2 **Q. Okay. All right.**  
 3 **Well, I have no further**  
 4 **questions.**  
 5 MR. BLANCHARD: I'm going to  
 6 just have a couple.  
 7 E X A M I N A T I O N  
 8 BY MR. BLANCHARD:  
 9 **Q. Azim, there was a question asked**  
 10 **yesterday about some kind of hyperlink on the**  
 11 **website that took consumers to a -- a message, and**  
 12 **that was Exhibit No. 6, I believe, wasn't it?**  
 13 A. Exhibit No. 7?  
 14 **Q. Oh, yes.**  
 15 **That -- the banner at the top,**  
 16 **that red banner?**  
 17 A. Correct.  
 18 **Q. So I think you wanted to clarify**  
 19 **something about yesterday's testimony; is that**  
 20 **right?**  
 21 A. That's correct.  
 22 **Q. What did you want to clarify?**  
 23 A. That is the banner that I was  
 24 referring to, "We are here for you, click here to  
 25 view the message from our entire team at

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1 Wrist-Band.com." And that took them to  
 2 Wrist-Band.com/COVID-19, which is still active.  
 3 **Q. Okay. All right.**  
 4 **Is there anything else --**  
 5 MS. SCHAEFER: Can you produce  
 6 that? I haven't seen those documents.  
 7 MR. BLANCHARD: Yes. The  
 8 message that it took people to, we  
 9 looked at it yesterday, didn't we?  
 10 MS. SCHAEFER: Okay.  
 11 THE WITNESS: Yeah, the one that  
 12 says "We are here for you." I think  
 13 it's one of the exhibits.  
 14 MR. BLANCHARD: I think it's  
 15 No. 8 or 6.  
 16 MS. SCHAEFER: Okay. Yeah, I  
 17 know which one you're talking about.  
 18 THE WITNESS: Yeah.  
 19 BY MR. BLANCHARD:  
 20 **Q. All right. And did you -- just**  
 21 **to nail this down completely, did you ever**  
 22 **advertise goods as in stock when they were not?**  
 23 A. When we advertised in stock,  
 24 they were --  
 25 **Q. Let me re-ask. Let me re-ask.**

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1 A. Yeah.  
 2 **Q. Did Zaappaaz ever advertise any**  
 3 **PPE product as in stock when Zaappaaz did not have**  
 4 **the product in stock?**  
 5 A. Never.  
 6 **Q. Okay. Let's get into a little**  
 7 **bit of -- I want to talk about how you know that.**  
 8 **Is that okay with you?**  
 9 A. Yep.  
 10 **Q. Okay. So, for example, you had**  
 11 **an agreement with Chandler Liu, correct?**  
 12 A. Correct.  
 13 **Q. And was Chandler basically**  
 14 **agreeing to provide Zaappaaz with all of the PPE**  
 15 **it needed?**  
 16 A. That is correct.  
 17 **Q. Okay. So -- and that's called a**  
 18 **"supply contract"; is that right?**  
 19 A. That is called a "supply  
 20 contract," I guess, yes.  
 21 **Q. You didn't have a written**  
 22 **contract with him?**  
 23 A. No.  
 24 **Q. But you talked to him quite**  
 25 **often?**

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1 A. That is correct.  
 2 Q. And did he ever tell you, hey,  
 3 we don't have - fill in the blank - type of PPE  
 4 product available?  
 5 A. No, he did not.  
 6 Q. And do you expect that he would  
 7 have told you that if he couldn't have gotten the  
 8 product?  
 9 A. Yeah, he would have told me.  
 10 Q. Did he know what products you  
 11 were advertising on your website?  
 12 A. He absolutely did.  
 13 Q. And when I say "you," I mean  
 14 Zaappaaz.  
 15 Okay?  
 16 A. Yeah.  
 17 Q. Okay. So let's talk now about  
 18 documentation that showed why you thought stuff  
 19 was going to get delivered on time.  
 20 Is that okay with you?  
 21 A. Yep.  
 22 Q. All right. So a customer makes  
 23 an order and, first of all, a delivery date is  
 24 generated in your back-end system, right?  
 25 A. Correct.

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1 Q. That's a record, right?  
 2 A. Correct.  
 3 Q. And we have given those records  
 4 to the FTC?  
 5 A. That's correct.  
 6 Q. All right. So then we have a  
 7 tracking number.  
 8 That's a record, isn't it?  
 9 A. Correct.  
 10 Q. And the tracking number, if you  
 11 go and type that into FedEx.com, will tell you  
 12 where the package is at, right?  
 13 A. That's correct.  
 14 Q. And that's a record, isn't it?  
 15 A. That is correct.  
 16 Q. And that record is maintained by  
 17 FedEx, isn't it?  
 18 A. That is correct.  
 19 Q. But through some kind of  
 20 interface, you can gather FedEx data; is that  
 21 right?  
 22 A. That is correct.  
 23 Q. All right. And so is one of the  
 24 things that you're going to rely on to show that  
 25 you had a reasonable basis to think that stuff was

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1 going to get delivered on time the spreadsheets  
 2 that we have given to the FTC?  
 3 A. That's correct.  
 4 Q. Okay. In other words, you have  
 5 a system of records in your website's back end; is  
 6 that right?  
 7 A. That's correct.  
 8 Q. All right. Got to get my  
 9 computer to come back up again. Give me just one  
 10 second.  
 11 There's been a lot of talk about  
 12 what shipping means, what packaging means,  
 13 et cetera. Do you remember all of that testimony?  
 14 A. That's correct.  
 15 Q. All right. So, for example, you  
 16 talked about a trailer being at your warehouse,  
 17 right?  
 18 A. Correct.  
 19 Q. Who owned that trailer?  
 20 A. FedEx.  
 21 Q. And so you would pack that  
 22 trailer up with product, right?  
 23 A. Correct.  
 24 Q. And you would expect FedEx to  
 25 come pick it up, right?

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1 A. Correct.  
 2 Q. But you had physically placed  
 3 the items in the FedEx trailer, correct?  
 4 A. Correct.  
 5 Q. And then FedEx would sometimes  
 6 be late to go pick it up, right?  
 7 A. Or not show up --  
 8 Q. Okay.  
 9 A. -- correct.  
 10 Q. Okay. And that -- I mean,  
 11 beyond Zaappaaz's control, right?  
 12 A. Correct.  
 13 Q. If Ionized took a hundred boxes  
 14 of gloves, did they pay Zaappaaz for those hundred  
 15 boxes of gloves?  
 16 A. They did.  
 17 Q. You used the word "partner"  
 18 several times in your testimony.  
 19 You don't know the legal  
 20 definition of "partner," do you?  
 21 A. No.  
 22 Q. In other words, what did you  
 23 mean when you said "partner"?  
 24 A. Sharing of resources.  
 25 Q. Well, let's nail that down. You

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<p>1 say "share resources." When I think of share, I</p> <p>2 think of just letting somebody use something of</p> <p>3 mine for free.</p> <p>4 Is that what happened?</p> <p>5 A. No.</p> <p>6 Q. All right. Did Ionized pay</p> <p>7 Zaappaaz for every resource that Ionized used?</p> <p>8 A. That is correct.</p> <p>9 Q. Did you rely on Fatima and Eroze</p> <p>10 to properly train CSRs?</p> <p>11 A. I did.</p> <p>12 Q. Did you have any day-to-day</p> <p>13 control over what Fatima and Eroze -- Fatima and</p> <p>14 Eroze did as far as their supervision of CSRs?</p> <p>15 A. I did not.</p> <p>16 Q. I want to talk about the</p> <p>17 expenses that Zaappaaz incurred in selling PPE.</p> <p>18 Is that all right with you?</p> <p>19 A. Yes.</p> <p>20 Q. One, you had subcontractors,</p> <p>21 didn't you?</p> <p>22 A. Yes.</p> <p>23 Q. So Chandler Liu was a</p> <p>24 subcontractor?</p> <p>25 A. Not a subcontractor, but I would</p>	<p>1 A. Correct.</p> <p>2 Q. Utilities are an expense?</p> <p>3 A. Correct.</p> <p>4 Q. Phone charges are an expense?</p> <p>5 A. Correct.</p> <p>6 Q. Cost of goods sold are an</p> <p>7 expense?</p> <p>8 A. Correct.</p> <p>9 Q. Shipping is an expense?</p> <p>10 A. Correct.</p> <p>11 Q. Tax expenses are expenses?</p> <p>12 A. Correct.</p> <p>13 Q. Are there any other expenses</p> <p>14 that I haven't mentioned that you would like to</p> <p>15 just at least identify right now?</p> <p>16 A. The main one, AdWords.</p> <p>17 Q. Okay. So let's -- you know, I</p> <p>18 mentioned the specific Marketing Marvel, but</p> <p>19 Google AdWords is a big expense?</p> <p>20 A. Correct.</p> <p>21 Q. Credit card fees?</p> <p>22 A. That is correct, a huge expense.</p> <p>23 It's about three percent.</p> <p>24 Q. And credit card fees.</p> <p>25 Any other expenses that you can</p>
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<p>1 say a vendor.</p> <p>2 Q. A vendor.</p> <p>3 And thank you for correcting me.</p> <p>4 If I do use the wrong word for something, please</p> <p>5 tell me. I want to use the right word. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. So, one, Chandler Liu is a</p> <p>8 vendor, and that's an expense.</p> <p>9 You're paying this to -- to</p> <p>10 Mr. Liu, an expense for selling covered -- I mean</p> <p>11 PPE, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Yaoli was an expense, wasn't</p> <p>14 she?</p> <p>15 A. Correct.</p> <p>16 Q. Marketing Marvel was an expense?</p> <p>17 A. Correct.</p> <p>18 Q. Website development was an</p> <p>19 expense?</p> <p>20 A. Correct.</p> <p>21 Q. ASI was an expense?</p> <p>22 A. Correct.</p> <p>23 Q. Omnisend was an expense?</p> <p>24 A. Correct.</p> <p>25 Q. Phone charges are an expense?</p>	<p>1 think of sitting here right now?</p> <p>2 A. Warehouse rent. Contract</p> <p>3 employees.</p> <p>4 Q. So contract labor is an</p> <p>5 important one?</p> <p>6 A. That's correct.</p> <p>7 Q. Okay.</p> <p>8 A. And wastage.</p> <p>9 Q. What does wastage mean?</p> <p>10 A. Wastage is a -- we are all stuck</p> <p>11 with about two-and-a-half to 3 million dollars'</p> <p>12 worth of inventory, of -- of masks, because the</p> <p>13 market crashed.</p> <p>14 Q. Okay.</p> <p>15 A. So that's an expense.</p> <p>16 Q. Okay. And what if somebody -- I</p> <p>17 mean, were there times where people returned</p> <p>18 things that Zaappaaz could not resell?</p> <p>19 A. It would go straight in the</p> <p>20 garbage. That's an expense.</p> <p>21 Q. Okay. Did you document anywhere</p> <p>22 when that happened?</p> <p>23 A. No, we don't document that.</p> <p>24 Another expense is fraud. Fraud</p> <p>25 was a huge expense on our -- on our bottom-line</p>

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1 numbers.

2 **Q. Okay. Any other expenses you**  
3 **can identify sitting here right now?**

4 A. Legal.

5 **Q. Well, let's put that one aside**  
6 **for now, but...**

7 A. Yeah, nothing else.

8 **Q. Nothing else. All right.**

9 **Now, again, going back to this,**  
10 **you know, definition of "shipping," did Zaappaaz**  
11 **put PPE into the hands of the -- what are carrier**  
12 **it was using in time to meet the promised delivery**  
13 **date?**

14 A. We were.

15 MR. BLANCHARD: I'll reserve the  
16 rest of my questions.

17 MS. SCHAEFER: Can I just ask a  
18 few follow-up?

19 MR. BLANCHARD: Yep.

20 MS. SCHAEFER: Okay.

21 FURTHER EXAMINATION

22 BY MS. SCHAEFER:

23 **Q. So Mr. Blanchard...**

24 A. You're on mute.

25 MR. BLANCHARD: You're on mute.

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1 Can't hear you. Can't hear you.

2 THE WITNESS: Do this.

3 BY MS. SCHAEFER:

4 **Q. Can you hear me?**

5 A. Yes

6 **Q. Sorry. Sorry about that.**

7 **Okay. So I was asking,**

8 **Mr. Blanchard asked about certain information**  
9 **created from your website on the back end, and my**  
10 **question was, does that -- is that information**  
11 **that ends up in that database we were talking**  
12 **about?**

13 A. Correct.

14 **Q. And so when he says that you**  
15 **have produced this information and these records**  
16 **to the FTC, what records is he referring to?**

17 MR. BLANCHARD: Objection.

18 Calls for speculation. Objection.

19 Asked and answered.

20 THE WITNESS: I think it's one  
21 of the exhibits that we were looking  
22 at. The Excel sheet.

23 BY MS. SCHAEFER:

24 **Q. Is it that master -- is it the**  
25 **chart?**

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1 A. The chart? It -- it's with  
2 the data, the -- the whole customer data. It has  
3 the customer name, address, tracking number.

4 MS. SCHAEFER: Mike, is that --

5 is that the master chart?

6 MR. BLANCHARD: Yep.

7 MS. SCHAEFER: Okay.

8 BY MS. SCHAEFER:

9 **Q. Okay. And my -- I just have one**  
10 **more question.**

11 **So he asked about your**  
12 **relationship with Ionized, and you stated that**  
13 **Ionized pays Zaappaaz back and reimburses Zaappaaz**  
14 **to the extent that it covers costs for Ionized; is**  
15 **that right?**

16 A. Correct.

17 **Q. Okay. What records do you have**  
18 **showing that?**

19 A. Transfers of funds showing that  
20 on the bank statement.

21 **Q. Okay.**

22 MS. SCHAEFER: All right.

23 I'm -- I have no further questions.

24 MR. BLANCHARD: We'll reserve  
25 the rest of ours until trial. We're

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1 done.

2 (Deposition concluded at 6:14 P.M.)



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1 STATE OF TENNESSEE )  
 2 COUNTY OF DAVIDSON ) SS:  
 3 I, Gary Schneider, TLCR No. 676, in and  
 4 for the State of Tennessee, do hereby certify:  
 5 That, prior to being examined, the  
 6 witness named in the foregoing deposition was by  
 7 me duly sworn to testify the truth, the whole  
 8 truth and nothing but the truth;  
 9 That said deposition was taken down by  
 10 me stenographically at the time and place therein  
 11 named, and thereafter transcribed via  
 12 computer-aided transcription under my direction,  
 13 and the same is a true, correct and complete  
 14 transcript of said proceedings;  
 15 Before completion of the deposition,  
 16 review of the transcript was requested. If  
 17 requested, any changes made by the deponent (and  
 18 provided to the reporter) during the period  
 19 allowed are appended hereto.  
 20 I further certify that I am not  
 21 interested in the outcome of the action.  
 22 Witness my hand this August 25, 2021.  
 23 s/Gary Schneider  
 24 GARY SCHNEIDER, TLCR No. 676  
 25 Certified Shorthand Reporter

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1 E R R A T A  
 2  
 3 I, AZIM MAKANOJIYA, having read the  
 4 foregoing deposition, Pages 1 through 269, taken  
 5 August 12, 2021, do hereby certify said testimony  
 6 is a true and accurate transcript, with the  
 7 following changes, if any:  
 8 PAGE LINE SHOULD HAVE BEEN REASON  
 9  
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1 ACKNOWLEDGMENT OF DEPONENT  
 2  
 3 I, Azim Makanojiya, do hereby acknowledge I have  
 4 read and examined the foregoing pages of  
 5 testimony, and the same is a true, correct and  
 6 complete transcription of the testimony given by  
 7 me, and any changes and/or corrections, if any,  
 8 appear in the attached errata sheet signed by me.  
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12 Date Azim Makanojiya

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